

MASSACHUSETTS
OFFICE FOR VICTIM
A S S I S T A N C E



VICTIM & WITNESS
ASSISTANCE BOARD

SAFEPLAN

Policies and Procedures Manual

**Commonwealth of Massachusetts
Victim and Witness Assistance Board
Massachusetts Office for Victim Assistance**

Revised January 2012

TABLE OF CONTENTS

<u>I. INTRODUCTION</u>	3
A. Definitions Used in the SAFEPLAN Policies and Procedures Manual	3
B. What is SAFEPLAN?	7
C. Purpose and Goals of Policies and Procedures Manual	8
<u>II. TRAINING AND CERTIFICATION</u>	10
A. SAFEPLAN Training and Certification	10
B. Training Manual	11
<u>III. SAFEPLAN HOST AGENCIES</u>	12
A. Roles and Responsibilities	12
<u>IV. SAFEPLAN ADVOCATES</u>	16
A. Hiring Process	16
B. Personnel Policies	16
C. Job Requirements	17
D. Job Description for SAFEPLAN Advocates	17
E. Specific Roles and Responsibilities of SAFEPLAN Advocates	21
F. Prohibited Activities	24
<u>V. FISCAL GUIDELINES</u>	26
A. Grants Fiscal Policies	27
B. Budgeting	31
C. Reimbursement and Reporting for Expenditures	36
D. Budget Amendments	38
E. Accounting and Independent Audits	38
F. Subgrantee Monitoring of Fiscal Records	40
<u>VI. APPENDIX:</u>	41
A. Massachusetts General Law c. 209A	41
B. Massachusetts General Law c. 258E	55
C. Massachusetts General Law c. 233	61
D. Massachusetts General Law c. 258B	63
E. Massachusetts General Law c. 119, 19C, 19A & 112	72
F. Budget Category Breakdown	81
G. Uniform Financial Report Titles	84
H. Resources	86

I. INTRODUCTION

A. Definitions Used in the SAFEPLAN Policies and Procedures Manual

For the purposes of the SAFEPLAN Program and this accompanying manual the following terms shall be defined as follows:

1. Client

A client is anyone who is a victim of domestic violence, sexual assault, and stalking seeking the services of the SAFEPLAN program and who may be eligible for protection under M.G.L. c. 209A (See Appendix A) or M.G.L. c. 258E (See Appendix B). Services are provided to clients unless otherwise prohibited by a funding source or the host agency's conflict of interest policy.

2. Collaboration

Collaboration is the act of two or more agencies or individuals working in cooperation with each other to implement the SAFEPLAN program to meet the needs of victims of domestic violence, sexual assault, and stalking and to coordinate an effective response.

3. Client Waiver of Confidentiality

The client waiver of confidentiality is the document reviewed and signed by a client if their privileged, confidential client records are sought and if, after receiving appropriate information and guidance from the SAFEPLAN Advocate, the client decides to waive their right to confidentiality. SAFEPLAN Advocates must follow their host agency's protocols and ensure that clients are making informed decisions with regard to any waiver of confidentiality. (See Appendix C)

4. Court Advocacy

Advocacy is the act or process of supporting or pleading the interests of oneself, another person, or a cause. Court advocacy refers specifically to providing assistance and support for clients in any court where a protective order is sought. As a key element of a coordinated community response that addresses the needs of domestic violence, sexual assault, and stalking victims, court advocacy may include: support and information to navigate the court system; court accompaniment; explanation and preparation for court proceedings; information about the systems' rules, structures, procedures, and limitations; and referrals to community-based providers.

5. Direct Service

Under the auspices of the SAFEPLAN Program and for the purposes of this manual, direct service is the act of assisting victims of domestic violence, sexual assault, and stalking who are seeking protection from the court through the civil 209A restraining order process and 258E harassment prevention order process. It includes, but is not limited to: assistance with protective order applications, accompaniment during court proceedings, safety planning, needs assessments, and referrals. Only trained and certified SAFEPLAN staff, including and limited to, Senior SAFEPLAN Advocates, Advocates, volunteers and interns who are employed or associated with a

SAFEPLAN host agency, may engage in direct services for victims of domestic violence, sexual assault, and stalking.

6. Direct Service Supervisor

A direct service supervisor is an individual who supervises the direct service activities of Senior SAFEPLAN Advocates, Advocates, volunteers and/or interns. Direct service supervisors must be employed by a SAFEPLAN host agency and meet the statutory requirements of M.G.L. c. 233 § 20K (See Appendix C). For dual (domestic violence and sexual assault) host agencies, Advocates must also receive supervision which meets the statutory requirement for a 'sexual assault counselor' in M.G.L. c. 233 § 20J (See Appendix C).

In order to ensure confidentiality of records, SAFEPLAN Advocates assisting sexual assault victims with the 258E harassment prevention order process must meet the supervisory requirements as established in M.G. L. c. 233 § 20J. In the event that such supervision is not provided, the Advocate will assist in filing the paperwork, explain the limits of confidentiality, and make an appropriate referral to a sexual assault counselor or agency. Non dual agencies should establish a partnership with a sexual assault agency or rape crisis center to guarantee that all new SAFEPLAN Advocates, interns and/or volunteers participate on a rape crisis certification training.

7. Massachusetts Office for Victim Assistance (MOVA)

The Massachusetts Office for Victim Assistance is the independent state agency created by statute (M.G.L. c. 258B, See Appendix D) and mandated to assist and advocate for victims of crime. MOVA represents the interests of victims of crimes while working in collaboration with other state agencies, service providers, the criminal justice system, the legislature and the federal government. MOVA is the founding agency of the SAFEPLAN Program, and is designated by the legislature to manage and oversee it. MOVA is governed by the Victim and Witness Assistance Board (VWAB), which is responsible for making all SAFEPLAN funding and policy decisions.

8. Memorandum of Understanding (MOU)

A Memorandum of Understanding is a document that establishes a formalized agreement regarding the specific operation of the SAFEPLAN Program between two or more parties.

9. Programmatic Coordination

Programmatic coordination is the act of overseeing the administrative duties of the SAFEPLAN Program (i.e. grants management, training and certification of SAFEPLAN Advocates, and statewide policy and legislative efforts). The SAFEPLAN Program Coordinator and the Grants Program Specialist are charged with this responsibility. Programmatic coordination does not include providing the direct services of the SAFEPLAN Program or the direct service supervision of SAFEPLAN Advocates.

10. SAFEPLAN Host Agencies

Host agencies are nonprofit community-based agencies that are contracted by MOVA to provide SAFEPLAN court advocacy services to victims of domestic violence, sexual assault, and stalking. At a minimum, host agencies must meet the statutory requirements of “domestic violence victims’ program” as described in M.G.L. c. 233 § 20K.

11. SAFEPLAN Advocate

A SAFEPLAN Advocate is trained and certified according to the SAFEPLAN Policies and Procedures manual and M.G.L. c. 233 § 20K. With the passage of 258E, Advocates who are employed by a dual agency must complete additional sexual assault counselor training in order to meet the statutory requirements of M.G.L. c. 233 § 20J. Advocates who are NOT employed by a dual agency are strongly encouraged to complete the additional sexual assault counselor training in accordance to M.G.L. c. 233 § 20J. Additionally, Advocates who are not employed by a dual agency must refer a sexual assault victim to a rape crisis center/sexual assault counselor. A SAFEPLAN Advocate is a paid employee of a SAFEPLAN host agency and provides court-based advocacy services to victims of domestic violence, sexual assault, and stalking and their families. SAFEPLAN advocates provide confidential and comprehensive direct services to victims who come to court seeking protection from abuse.

12. Senior SAFEPLAN Advocate

A Senior SAFEPLAN Advocate is a SAFEPLAN Advocate trained and certified according to the SAFEPLAN Policies and Procedures manual and M.G.L. c. 233 § 20K. With the passage of 258E, Advocates who are employed by a dual agency must complete additional rape crisis counselor certification training and to meet the statutory requirements of M.G.L. c. 233 § 20J. Advocates who are NOT employed by a dual agency are strongly encouraged to complete the additional sexual assault counselor training in accordance to M.G.L. c. 233 § 20J. Additionally, Advocates who are not employed by a dual agency must refer a sexual assault victim to a rape crisis center/sexual assault counselor. A Senior SAFEPLAN Advocate is a paid employee of a SAFEPLAN host agency and provides civil court-based advocacy services to victims of domestic violence, sexual assault, and stalking. Additionally, a Senior Advocate must have a minimum of two years domestic violence direct service experience including experience as a SAFEPLAN Advocate. Senior Advocates serve as the liaison to court personnel, district attorney’s office staff and MOVA; are responsible for coordinating court and back-up coverage, where applicable; provide case support and guidance; and collect and report data and statistics. (See Section III: “SAFEPLAN HOST AGENCIES” for additional clarification).

13. SAFEPLAN Intern

A SAFEPLAN intern is trained and certified according to the SAFEPLAN Policies and Procedures manual and M.G.L. c. 233 § 20K, and M.G.L. c. 233 § 20J when applicable. A SAFEPLAN intern provides confidential and comprehensive court-based advocacy services to victims of domestic violence, sexual assault, and stalking who come to court seeking civil protection from abuse. Interns are affiliated with a college or university and their length of service is short-term. Utilization of interns assists in maximizing available services for victims.

14. SAFEPLAN Volunteer

A SAFEPLAN volunteer is trained and certified according to the SAFEPLAN standards and M.G.L. c. 233 § 20K, and M.G.L. c. 233 § 20J when applicable. A SAFEPLAN volunteer provides confidential and comprehensive court-based advocacy services to victims of domestic violence, sexual assault, and stalking who come to court seeking civil protection from abuse. Volunteers are not paid for their services. Utilization of volunteers assists in maximizing available services for victims.

15. SAFEPLAN Program Coordinator

The SAFEPLAN Program Coordinator is an employee of MOVA who provides statewide programmatic and fiscal administration of the SAFEPLAN Program. The Program Coordinator is responsible for planning and executing the twice yearly Certification Training for new Advocates, volunteers and interns; ensuring all Advocates, volunteers and interns are properly certified to provide direct service to clients; designing the twice yearly ‘Continuing Education Training’; scheduling and coordinating quarterly Regional Meetings; analyzing monthly statistics and providing technical assistance to host agencies; preparing quarterly and annual programmatic reports to state and federal funders; drafting applications for SAFEPLAN funding; conducting programmatic site visits to ensure compliance with SAFEPLAN Policies and Procedures Manual; and performing other duties as needed to ensure effective and consistent implementation of SAFEPLAN services. The SAFEPLAN Program Coordinator does not provide direct services to victims and, absent a client waiver, does not have access to the confidential records and communications of victims with Senior SAFEPLAN Advocates, Advocates, volunteers and interns.

16. Grants Program Specialist

The Grants Program Specialist is an employee of MOVA who assists the Program Coordinator in the statewide programmatic and fiscal management of the SAFEPLAN Program. The Grants Program Specialist is primarily responsible for all aspects of SAFEPLAN grants management, subgrantee budget management, and preparation of required state and federal reports. The Grants Program Specialist does not provide direct services to victims and, absent a client waiver, does not have access to the confidential records and communications of victims with Senior SAFEPLAN Advocates, Advocates, volunteers and interns.

17. Victim Witness Advocate

A Victim Witness Advocate is a trained employee of the District Attorney’s Office who provides court-based services to victims of crimes, witnesses, and families during criminal proceedings. These advocates are mandated to afford rights and services to victims of crimes as defined in the Massachusetts Victim Bill of Rights (M.G.L. c. 258B, §. 3).

18. Victim and Witness Assistance Board (VWAB)

The Victim and Witness Assistance Board is the governing body of the Massachusetts Office for Victim Assistance. The VWAB is dedicated to advancing the rights of victims of crimes and improving services to them throughout the Commonwealth.

Toward that end, the VWAB sets policy on a range of victim issues and also approves grant funding administered by MOVA to victim service agencies. The VWAB consists of the Attorney General of Massachusetts (chair), two District Attorneys and two victim/public members. All VWAB members serve without compensation.

B. What is SAFEPLAN?

SAFEPLAN is a court advocacy program created by Massachusetts Office for Victim Assistance (MOVA) in 1995, which is authorized by the Massachusetts legislature to oversee the program. SAFEPLAN is a partnership between MOVA and community-based domestic violence programs. SAFEPLAN Advocates are housed in district and probate and family courts throughout the Commonwealth (currently in Barnstable, Berkshire, Bristol, Franklin, Hampden, Hampshire, Middlesex, Plymouth and Worcester counties). SAFEPLAN works in collaboration with courthouses, district attorneys' offices and other allied criminal justice and social service agencies to provide a statewide system of court advocacy for victims of domestic violence, sexual assault, and stalking considering a 209A restraining order or a 258E harassment prevention order. These collaborations are the cornerstone of the SAFEPLAN Program. SAFEPLAN is an innovative model program; it bridges agencies and institutions that have differing philosophies -- community-based domestic violence programs and criminal justice based agencies (law enforcement, prosecutors' offices and court personnel). All SAFEPLAN Advocates are specially trained and certified to offer court advocacy and supportive services to victims of domestic violence, sexual assault, and stalking and their families who are seeking intervention and protection through the court system. Court advocacy is critical when victims are seeking to obtain a protective order and/or leaving an abusive situation. SAFEPLAN Advocates provide comprehensive services to victims including safety planning, and are a crucial link for victims of crimes to obtain necessary counseling, emergency services, shelter, and other support from domestic violence/sexual assault programs and other agencies. SAFEPLAN Advocates create a respectful collaborative environment for victims to enter and, thus, offer the best hope for victims of domestic violence, sexual assault, and stalking seeking protection from the courts

1. SAFEPLAN History

The idea for the SAFEPLAN Program emerged from a 1993 survey of all Massachusetts courts, district attorneys, legal service agencies and community-based domestic violence programs. The results of the survey were published in *A Guide to Domestic Violence Court Advocacy in Massachusetts*, and identified approximately two-thirds of Massachusetts courts without full-time advocates to assist victims of domestic violence seeking civil protective orders. The report recommended that SAFEPLAN Advocates work directly with these victims. SAFEPLAN was created in response to this gap in services and was designed to provide specially trained advocates who deliver quality and consistent services to domestic violence victims.

SAFEPLAN began as a pilot program in Hampshire County. The location of the pilot was chosen to offer diversity in setting and service population. The pilot site in Hampshire County allowed SAFEPLAN personnel to gain experience with the special issues and problems posed in both Probate and Family Court and District Court. The success of the Hampshire County Pilot Program led to expansion of SAFEPLAN in other geographic areas. Currently, SAFEPLAN exists in Barnstable,

Berkshire, Bristol, Franklin, Hampden, Hampshire, Middlesex, Plymouth and Worcester Counties.

On May 10, 2010 M.G.L. c. 258E (“258E”) went into effect, filling a critical gap in the law by providing victims of stalking, sexual assault, and criminal harassment - regardless of their relationship to the defendant - with the ability to obtain harassment prevention orders against their perpetrators. With the passage of 258E, SAFEPLAN Advocates have taken a leadership role in the law’s implementation, including the added responsibility of assisting victims of domestic violence, sexual assault, and stalking seeking a Harassment Prevention Order (HPO). Additionally, with the passage of 258E, SAFEPLAN Advocates have been, and will continue to be, trained to respond to and assist victims of sexual assault, stalking, and criminal harassment as it relates to violence against women.

2. Authority and Scope

The SAFEPLAN Policies and Procedures manual sets forth the requirements of the SAFEPLAN Program. This Policies and Procedures Manual was revised in January 2012, and this edition supersedes all prior editions. All participants in the SAFEPLAN Program must agree to adhere to the requirements herein, in addition to required contractual stipulations in the Standard Contract Form and Instructions, the Commonwealth Terms and Conditions, the Subcontract Conditions, and the Office of Justice Programs (OJP) Financial Guide, effective edition, Office of Justice Programs Financial Guide.

When necessary, MOVA may place special contractual conditions upon a SAFEPLAN host agency that are not specifically articulated in this manual. MOVA and the Victim Witness Assistance Board (VWAB) reserve the right to make final decisions regarding the content of the manual. MOVA will give notice to all affected parties of intent to change the Policies and Procedures Manual. MOVA will also give an opportunity for agencies to provide input to future revisions of this manual.

C. Purpose and Goals of Policies and Procedures Manual

1. To promote an understanding of, and commitment to, the importance of uncompromised safety for victims and SAFEPLAN staff.
2. To ensure that the SAFEPLAN Program provides consistent, quality, comprehensive and coordinated services to victims of domestic violence, sexual assault, and stalking throughout the state.
3. To define the roles, responsibilities, and legal and programmatic requirements of Senior Advocates, Advocates, volunteers, interns, MOVA, SAFEPLAN host agencies, courthouses, district attorney’s offices and others.
4. To ensure program accountability, training and certification requirements, and supervision standards in implementing and operating the SAFEPLAN Program.
5. To successfully integrate the SAFEPLAN Program and Advocates with the host agencies, district attorneys’ offices, courts and other allied criminal justice agencies.

6. To delineate clear lines of communication, authority and direction with respect to the implementation of SAFEPLAN.
7. To provide a framework for conflict resolution with SAFEPLAN host agencies and among partner agencies.
8. To set forth the programmatic and fiscal reporting requirements.

II. TRAINING AND CERTIFICATION

Certification trainings will be held twice a year (spring and fall). The training program shall be 25 hours in length. MOVA facilitates all portions of the training in collaboration with host agencies and partners.

A. SAFEPLAN Training and Certification

Senior Advocates, Advocates, volunteers and interns must successfully complete the entire 25 hours of the SAFEPLAN Certification Training. Domestic violence and sexual assault providers and Victim Witness Advocates may participate in the training program for educational purposes. Persons outside of the SAFEPLAN Program choosing to participate in the training program strictly for educational purposes will receive a document that indicates their attendance at the training, but does not authorize them to provide SAFEPLAN services. Participants who are SAFEPLAN Advocates, Volunteers, or Interns will receive a 'SAFEPLAN Certification – Advocate Status Form', which will be completed by the host agency and submitted to MOVA when the criteria to receive SAFEPLAN certification (below) has been completed. At that time the SAFEPLAN provider will receive a certificate authorizing their provision of SAFEPLAN services under the supervision of their host agency.

1. Full-time and part-time SAFEPLAN Advocates shall meet the following criteria to receive SAFEPLAN certification:

- a. Attendance and successful completion of host agency domestic violence training to meet M.G.L. c. 233 § 20K 25 hour minimum requirements; Advocates who are employed by a dual agency must complete additional sexual assault counselor training in order to meet the statutory requirements of M.G.L. c. 233 § 20J; Advocates who are not employed by a dual agency are strongly encouraged to complete the sexual assault counselor training to meet the statutory requirements of M.G.L. c. 233 § 20J.
- b. Successful completion of any mandatory training offered by the SAFEPLAN host agency;
- c. Successful completion of the 25-hour SAFEPLAN Certification Training; and
- d. Successful completion of at least 20 hours of shadowing a certified Advocate in court.

2. Full-time and part-time SAFEPLAN Advocates shall meet the following criteria to maintain SAFEPLAN certification:

- a. Regularly scheduled one-to-one direct service supervision;
- b. SAFEPLAN court advocacy practice of a minimum of 12 hours per year;
- c. Attendance at in-service training sessions provided by the host agency;
- d. Participation and completion of professional development training (such as Continuing Education Series) provided by MOVA;
- e. Attendance at quarterly regional meetings hosted by MOVA; and
- f. Attendance at trainings, conferences, seminars or workshops offered by outside organizations that relate to domestic violence, sexual assault, and stalking and/or the duties performed by full-time and part-time SAFEPLAN Advocates, approved by the host agency.

3. **Senior Advocate Training and Certification:** Senior SAFEPLAN Advocates must meet the SAFEPLAN certification requirements and the following additional criteria to qualify as a senior advocate:
 - a. Successful completion of training and/or demonstrated competency in personnel management and supervision;
 - b. Excellent performance evaluation; and
 - c. A minimum of two (2) years experience as a SAFEPLAN Advocate.
4. **Volunteers:** All volunteers who intend to provide *direct service* to clients in conjunction with SAFEPLAN Advocates must complete the following training before working individually with clients. Please consult with the SAFEPLAN Program Coordinator if any difficulties in meeting these requirements arise:
 - a. Attendance and successful completion of the host agency domestic violence training to meet M.G.L. c. 233 § 20K 25 hour minimum requirements; for volunteers providing direct services for a dual agency must also complete sexual assault counselor training to meet the statutory requirements of M.G.L. c. 233 § 20J;
 - b. Successful completion of at least 20 hours of shadowing a certified Advocate in court; and
 - c. Successful completion of the 25-hour SAFEPLAN Certification Training.
5. **Interns:** It is preferred that all interns who intend to provide *direct service* to clients in conjunction with SAFEPLAN Advocates complete the same training as a volunteer before working individually with clients. It is strongly encouraged that interns complete the 25-hour SAFEPLAN Certification Training. However, at a minimum, interns must complete the following training before working individually with clients. Please consult with the SAFEPLAN Program Coordinator if any difficulties in meeting these requirements arise:
 - a. Attendance and successful completion of the host agency domestic violence training to meet M.G.L. c. 233 § 20K 25 hour minimum requirements; it is encouraged, but not required for interns providing direct services for a dual agency to complete sexual assault counselor training to meet the statutory requirements of M.G.L. c. 233 § 20J;
 - b. Successful completion of at least 20 hours of shadowing a certified Advocate in court.

B. Training Manual

The training manual is developed by MOVA in collaboration with the host agencies, and with input and approval of the VWAB. MOVA shall update the manual on a yearly basis. Each participant shall receive a copy of the training manual at their SAFEPLAN Certification Training.

III. SAFEPLAN HOST AGENCIES

Host agencies are nonprofit community-based agencies that provide court advocacy services through the SAFEPLAN Program to victims of domestic violence, sexual assault, and stalking. Host agencies contract with the Massachusetts Office for Victim Assistance to employ the Senior SAFEPLAN Advocates and/or Advocates for their geographical location. At a minimum, host agencies must meet the statutory requirements of “domestic violence victims’ program” as described in M.G.L. c. 233 § 20K.

A. Roles and Responsibilities

1. Direct Service Supervision

Host agencies are responsible for providing direct service supervision to their SAFEPLAN staff. It is required that the host agencies provide a supervisor for the SAFEPLAN Advocate that meets the statutory requirements of a “direct service supervisor of a domestic violence victims’ program” under M.G.L. c. 233 § 20K. This supervisor is responsible for case specific supervision, overseeing the advocate’s client caseload and ensuring that the advocate fulfills all general job responsibilities in accordance with the SAFEPLAN Policies and Procedures Manual. This supervisor shall attend the SAFEPLAN Guidelines Training. MOVA provides policy and procedure guidance to the direct supervisor, as necessary. For dual (domestic violence and sexual assault) agencies, they must also provide supervision for SAFEPLAN Advocates which meets the statutory requirements of a supervisor under M.G.L. c. 233 § 20J. In the event that such supervision is not provided to a SAFEPLAN Advocate, the Advocate will assist victims of sexual assault in filing the paperwork, explaining the limits of confidentiality, and making an appropriate referral to a sexual assault counselor.

2. Court Management

Host agencies are responsible for the day-to-day functions at each court in which they provide services. These include, but are not limited to, administrative duties, case support and guidance, direct service supervision, and as liaison with court personnel, district attorney’s office staff and MOVA. The model to provide these services is as follows:

One host program – one court and/or multiple courts:

A Senior SAFEPLAN Advocate performs the following duties in addition to their court advocacy responsibilities: coordination of court coverage; liaison to court personnel, district attorney’s office staff and MOVA; case support and guidance to SAFEPLAN Advocates; and the collection and reporting of required statistical data from all Advocates in their region. A SAFEPLAN Advocate assigned to an individual court is the liaison to the court personnel and district attorney’s office staff at that court.

3. Referrals from SAFEPLAN Advocates

Host agencies receive referrals from SAFEPLAN Advocates for services beyond those designated to be provided by SAFEPLAN Advocates. This is to ensure comprehensive services are provided to SAFEPLAN clients. Host agencies shall not expect that SAFEPLAN Advocates directly provide shelter services, safe housing

assistance, long-term counseling or other services prohibited by SAFEPLAN Advocates as defined in this manual.

4. Referrals to SAFEPLAN Advocates

It is the responsibility of the host agency to make appropriate referrals on behalf of clients to the SAFEPLAN Advocates. The host agency will assess whether a protective order is a viable option for each client and make the referral to the SAFEPLAN Advocate based on the client's wishes in a timely manner.

5. Collaboration and Coordination with the District Attorney

The host agency will collaborate and coordinate with the local District Attorney's Office to maximize the delivery of services to victims. SAFEPLAN host agencies shall make every effort to work with the District Attorney and her/his staff in the following capacities:

- a. To establish a criteria and respectful collaborative process for cross-referrals; and
- b. To receive and consider input as to the effectiveness of SAFEPLAN implementation.

Please Note: Client communication obtained by a SAFEPLAN Advocate, Senior Advocate, volunteer or intern that meets the requirements of M.G.L. c. 233 §20K and/or M.G.L. c.233 §20J, is confidential and privileged and may not be obtained by anyone including, but not limited to, an employee of MOVA or an employee of the district attorney's office, absent client waiver, court order or other legal mandate. The written documents completed by a victim with assistance from a SAFEPLAN Advocate, Senior Advocate, volunteer or intern including, but not limited to: the affidavit, that are part of a public record are not confidential and privileged. In addition, information shared by a victim during any court proceeding is not confidential and privileged.

6. Training

Host agencies and MOVA work in collaboration to implement trainings for new Advocates, volunteers and interns. Host agencies provide the initial domestic violence training required to be a "domestic violence victims' counselor" under G.L. c. 233 § 20K. For dual (domestic violence and sexual assault) host agencies, they must provide training required to be a 'sexual assault counselor' under G.L. c. 233 § 20J. Advocates at non-dual agencies are strongly encouraged to pursue sexual assault training at a community-based agency which provides it. This is the prerequisite for all Advocates, volunteers and interns who will attend the 25 hours of SAFEPLAN Certification Training. The initial training ensures that all Advocates, volunteers and interns receive a comprehensive background in the dynamics of domestic violence, sexual assault, and stalking, and the general operation of the host agency. (See Section II: "TRAINING AND CERTIFICATION").

7. Community Education Trainings

The host agency may request that MOVA work in collaboration with their community education coordinator or equivalent position to implement community presentations. These presentations must be relevant to general domestic violence, sexual assault, and

stalking issues, the SAFEPLAN Program, legal advocacy or the 209A and 258E process.

8. Office Space for the SAFEPLAN Advocates

SAFEPLAN host agencies must provide reasonable office space for the SAFEPLAN staff that does not have office space at the courthouse. This space should be used for Advocates to meet privately with clients, to store confidential files in a locked area, and to have access to a phone to offer follow-up services to clients. In situations where office space is not available in the courthouse, the host agency must provide the Advocate, volunteer and/or intern with a pager or cellular phone to allow court personnel to call when SAFEPLAN services are needed.

9. Host Agency Meetings with MOVA Staff

MOVA SAFEPLAN staff and each host agency shall meet by region on a quarterly basis to inform each other of the progress of SAFEPLAN. These meetings may include the following individuals:

- a. Executive Director
- b. Program Director
- c. Direct Service Supervisor
- d. MOVA SAFEPLAN staff
- e. Financial/Administrative Director
- f. SAFEPLAN Advocates

The host agency and MOVA staff shall keep each other informed of both successes and barriers in providing SAFEPLAN services.

10. Collaboration

It is expected that the host agencies cooperate and collaborate with MOVA, court personnel, the district attorney's office staff, other host agencies, and members of other allied criminal justice agencies to ensure the effectiveness of SAFEPLAN Program service delivery. It is also expected that the host agencies have a history of community collaborations with interagency involvement. Host agencies must enter into Memorandums of Understanding with the court, district attorney's office and MOVA as a requirement of the grant.

11. Court Coverage Agreement

MOVA and the host agency shall agree on how each court will be covered. The agreement shall include the schedules and court assignments for each of the Advocates, volunteers and interns and the protocol to follow when an advocate will not be available in court. It is the host agency's responsibility to ensure court coverage when an Advocate is absent from court, on an emergency basis, or for a planned absence, and to notify the courts of the coverage plan.

12. Funding and Fiscal Management

Host agencies must maintain accurate financial records and offer ongoing fiscal stability and responsibility with respect to SAFEPLAN Program services. They must comply with the SAFEPLAN funding and financial management policies and procedures as set forth in this manual (See Section V). Additionally, host agencies

must seek approval from MOVA before applying for funding for SAFEPLAN services from any additional sources to determine if the funding source's requirements are in alignment with those of the SAFEPLAN program. It must be made clear to any external funder that MOVA oversees the SAFEPLAN program, and that any funds awarded for SAFEPLAN services must also abide by the SAFEPLAN Policies and Procedures. Host agencies must inform MOVA of the final award amount and the scope of the contract.

13. Official Record Keeping

Host agencies must maintain confidential SAFEPLAN client files in locked file cabinets and are the official keeper of the records in any legal proceeding where confidential records have been subpoenaed. As the keeper of the records, it is the host agency's duty to assert the domestic violence or sexual assault counselor privilege when it is challenged and where it has not been waived and to inform MOVA when confidential records are subpoenaed. Additionally, host agencies shall develop and implement a policy for the destruction of SAFEPLAN client records. MOVA does not provide legal counsel or advice in these circumstances, however, the Standard Contract requires that all records related to the contract must be kept for a minimum of seven years.

14. Responsibilities to Victims of Domestic Violence, Sexual Assault, and Stalking

To the greatest extent possible, host agencies must be geographically and linguistically accessible to the courts that they serve and should make arrangements for the special needs of clients who seek SAFEPLAN services.

15. Site Visits

SAFEPLAN agencies, regardless of their funding source are subject to SAFEPLAN site visits, conducted by MOVA administrative staff. Scheduling and format of the site visits are determined by MOVA.

16. Memorandum of Understanding

With the input of all parties, the SAFEPLAN host agency must execute a MOU with the courts and district attorney's offices in their region outlining the provision of SAFEPLAN services. Upon award, host agencies will be required to sign the MOU in coordination with MOVA, the courts, and the district attorney's office. The MOU template will be provided by MOVA.

17. Data Collection and Reporting

SAFEPLAN Advocates and host agencies, regardless of their funding source shall comply with the data and statistical collection requirements as set forth by MOVA. Data collections forms and a schedule of due dates will be provided by MOVA. Failure to comply with and/or meet the data collection requirements and reporting deadlines may result in a delay in payment and/or termination of the SAFEPLAN host agency's contract.

IV. SAFEPLAN ADVOCATES

SAFEPLAN Advocates are not under the direct authority or control of the VWAB, MOVA, or the SAFEPLAN Program. Advocates are under the direct authority and control of the SAFEPLAN host agency by nature of their employment status and their direct service supervision. Additionally, district attorneys' office personnel, law enforcement, trial court personnel and other government agents or employees do not have authority or control over SAFEPLAN Advocates. Rather, relationships are in the form of collaborative partnerships.

A. Hiring Process

All Advocates are employees of SAFEPLAN host agencies and are subject to the hiring procedures of the host agency. In order for host agencies to make the final hiring decision that reflects the collaborative nature of the SAFEPLAN Program, host agencies shall adapt their hiring procedures and adhere to the following guidelines:

b. Collaboration with MOVA

- a. Inform MOVA of any vacancies;
- b. Inform MOVA of the final hiring decision;
- c. Inform MOVA of any reduction or change in an Advocate's direct service hours;
- d. Inform MOVA of any volunteers and interns providing direct service in the SAFEPLAN Program.

c. General Guidelines

- a. Hire an Advocate who is qualified pursuant to the SAFEPLAN job requirements;
- b. Hire Advocates who reflect the diversity of the clients which the SAFEPLAN Program serves, including, but not limited to bilingual bicultural advocates; and
- c. Conduct a criminal background check, and contact references of potential candidates.

B. Personnel Policies

All SAFEPLAN Advocates are employees of their respective host agencies and are subject to the personnel policies of those agencies. Additionally, SAFEPLAN Advocates and host agencies must adhere to the following:

1. Conditions of Employment

Permanent employee status as a SAFEPLAN Advocate is contingent upon successful completion of the SAFEPLAN training and certification process. At a minimum, a SAFEPLAN advocate must also meet the statutory requirements of "domestic violence victims' counselor" as in M.G.L. c. 233 § 20K. It is strongly encouraged that all Advocates also meet the statutory requirements of a 'sexual assault counselor' as in M.G.L. c. 233 § 20J.

2. Salary and Benefits

SAFEPLAN Advocates shall receive a salary commensurate with their level of responsibility, experience and education, within the host agency guidelines. It is also

expected that full-time Advocates will have a benefits package provided by the host agency.

C. Job Requirements

1. Bachelor's degree in relevant field (may be waived for relevant comparable level of work or life experience);
2. Knowledge of dynamics of domestic violence, sexual assault, and stalking;
3. Prior experience in working with victims of domestic violence, sexual assault, and stalking and/or victims of crime (court experience preferred);
4. Knowledge of legal issues affecting victims of domestic violence, sexual assault, and stalking;
5. Demonstrated ability to work collaboratively with other professionals; and
6. Valid Massachusetts driver's license and reliable transportation.

D. Job Description for SAFEPLAN Advocates

SAFEPLAN Advocates are employees of the host agency and provide comprehensive direct services to victims of domestic violence, sexual assault, and stalking who come to court seeking protection from abuse. To accomplish this level of service, Advocates must provide professional, empathetic services for domestic violence, sexual assault, and stalking victims, maintain strict standards for client confidentiality, and collaborate with MOVA, court personnel, the district attorney's office and other partners.

1. Job Responsibilities of SAFEPLAN Advocates

a. Court Advocacy

- i. Assist victims of domestic violence, sexual assault, and stalking who come to court seeking protective orders;
- ii. Provide crisis assessment and intervention services;
- iii. Assist victims in completing protective order application forms;
- iv. Provide information for victims on legal options and the process to obtain a protective order;
- v. Conduct comprehensive, individual safety planning for victims and their children;
- vi. Accompany and advocate for victims in court during civil proceedings;
- vii. Make referrals to the host agency for domestic and sexual violence services, and to other social service programs and the district attorney's office as necessary; and
- viii. Work with MOVA and court/criminal justice personnel to improve services to victims;
- ix. Screen potential clients for appropriateness and eligibility to receive SAFEPLAN services;
- x. Be available to assist victims during all hours when court is open, in accordance with the court coverage agreement;
- xi. Connect victims of domestic violence, sexual assault, and stalking with appropriate follow-up services and resources including, but not limited to counseling, group support, legal services or District Attorney Victim Witness Advocates;
- xii. Maintain appropriate and professional boundaries with individuals receiving SAFEPLAN services;

- xiii. Work cooperatively with other SAFEPLAN Advocates, volunteers, and interns;
- xiv. Establish professional and collaborative working relationships with court personnel and others including, but not limited to, clerks, judges, attorneys, prosecutors, security officers and victim witness advocates;
- xv. Take appropriate measures to ensure personal safety and safety for individuals receiving SAFEPLAN services;
- xvi. Exercise empathetic and active listening skills;
- xvii. Work under the empowerment model to inform victims of their rights and options as a victim of domestic violence, sexual assault, and stalking;
- xviii. Discuss the dynamics of abuse with victims of domestic violence, sexual assault, and stalking;
- xix. Explaining the role of a SAFEPLAN Advocate and the limitations of that role.

b. Safety Planning

Advocates must complete a comprehensive safety plan with SAFEPLAN clients. The safety plan is individualized for each client and consists of ways for the client to remain safe in different situations, including, but not limited to:

- i. With or without the batterer in the same residence;
- ii. Assisting children to remain safe;
- iii. Awaiting service of the protective order;
- iv. While the protective order is in effect;
- v. If the protective order is not granted;
- vi. During a violent episode; and
- vii. While preparing to leave.

If time is a factor, the Advocate must take measures to complete a safety plan that takes into consideration the immediate safety needs of the client (where the client is going after court, where they will stay that night, etc.). Advocates shall inform the client of the option of calling the SAFEPLAN host agency or domestic violence/rape crisis hotline to have another advocate complete the comprehensive safety plan at a later date or time.

Advocates must always develop a safety plan with a SAFEPLAN client whether or not the client chooses to pursue the protective order or chooses to receive SAFEPLAN services. If a client refuses to undergo safety planning with the Advocate, the Advocate must document this in the client file and provide written resources to the client or information about how to access assistance in the future.

c. Providing Follow-up Services

Follow-up services include, but are not limited to the following:

- i. Making phone calls to clients (when and how it is safe to do so) to remind them of date of 10-day hearing;
- ii. Verifying with law enforcement or other professionals that a protective order has been served on the defendant when necessary;
- iii. Making calls on behalf of clients to facilitate referral process with the permission of the client; and

- iv. Making phone calls to clients (when safe to do so) to see if further services are needed.

d. Case Files and Data Collection

- i. Collection of Data: Advocates are responsible for submitting all SAFEPLAN statistical data to the SAFEPLAN Program Coordinator. SAFEPLAN Advocates are required to keep accurate statistical information on each client they serve through the SAFEPLAN Program. This statistical information shall not contain names or other identifying information of SAFEPLAN clients. The forms developed by MOVA must be used and submitted monthly to the SAFEPLAN Program Coordinator. This data collection is a funding requirement and will be utilized by MOVA to meet our funders' reporting requirements. Additionally the compilation of this data will be made available to host agencies and help inform ongoing program development, service delivery, and legislative outreach and education.
- ii. Maintaining Files: All SAFEPLAN client files and information must be kept in a locked filing cabinet in a safe and secure area. Advocates shall not take SAFEPLAN files and documents to areas other than the courthouse or the host agency. All paperwork must be completed in a SAFEPLAN designated office. Individual client files should be kept in a manner that assures client confidentiality. SAFEPLAN records, data, and files must always remain under the direct authority and control of the SAFEPLAN host agency that employs the Advocate. Files must be kept for a minimum of seven years.

Information in an individual client file may include:

- Contact information for client;
- Copies of 209A or 258E paperwork and affidavit;
- Documentation of services rendered;
- Types of referrals provided; and
- Other information required by host agency and requested by the client.

SAFEPLAN records and files must always remain under the direct authority and control of the SAFEPLAN host agency that employs the Advocate.

e. Training and Education

After completion of the SAFEPLAN host agency domestic violence training, all SAFEPLAN Advocates must attend and complete the SAFEPLAN training and certification process. Advocates may also attend other trainings and educational seminars that directly relate to the advocate's duties, domestic or sexual violence, or the SAFEPLAN Program mission. No more than 5% of an Advocate's time on an annual basis should be spent attending such trainings. All trainings must be approved by the host agency. Advocates must attend and complete SAFEPLAN training and certification process and any training required by the host agency to qualify the Advocate as a "domestic violence victims' counselor" and to meet the requirements in M.G.L. c. c. 233 § 20K. For dual (domestic violence and sexual assault) host agencies, Advocates must also complete training required to be a 'sexual assault victims' counselor' under M.G.L.

c. 233 § 20J. Advocates at non-dual agencies are strongly encouraged to pursue sexual assault training at a community-based agency which provides such training.

If a newly hired SAFEPLAN Advocate has previously attended a SAFEPLAN Certification Training as a Victim Witness Advocate or other community-based advocate, they will be allowed to use the completion of the training towards their certification if it has been completed after June 2010, and no more than 3 years prior to their hire as a SAFEPLAN Advocate.

f. Court Coverage

Designated in-court services must be the Advocate's primary responsibility. Advocates may provide court coverage at various courts, at one specific court or may fill in on an as needed basis at any court within their region.

i. Advocate Representation and Identification

At all times, Advocates shall identify themselves as a SAFEPLAN Advocate from their host agency. Advocates shall not identify themselves as employees of MOVA, the court or the district attorney's office.

ii. Advocate Caseloads

Supervisors should monitor Advocates caseloads to ensure that it is at a level that allows adequate time with each SAFEPLAN client to, at a minimum, conduct a needs assessment and comprehensive safety planning.

g. Making Referrals:

In addition to providing a referral to the local SAFEPLAN host agency, Advocates shall provide an array of other referrals as deemed appropriate for each individual client. The types of referrals may include, but are not limited to, any or all of the following alphabetically listed state agencies, community-based organizations, or programs:

- i. Correctional Facilities
- ii. Day Care Assistance
- iii. Department of Children and Families
- iv. Department of Criminal Justice Information Systems
- v. Department of Transitional Assistance
- vi. District Attorney's Office/Victim Witness Program
- vii. Disable Person Protection Commission
- viii. Emergency and Long-Term Financial Assistance
- ix. Employment Assistance Programs
- x. Family Violence Resources
- xi. Fuel Assistance Programs
- xii. Immigrant and Refugee Services
- xiii. Legal Services and/or Member of the Bar
- xiv. Mental Health Serves
- xv. MOVA
- xvi. Parole Board
- xvii. Physicians or Hospitals
- xviii. Police Departments
- xix. Probate and Family Court
- xx. Probation Office

- xxi. Rape Crisis Center
- xxii. Shelter/Safe Home
- xxiii. Subsidized or Transitional Housing
- xxiv. Substance Abuse Counseling
- xxv. Victim Compensation
- xxvi. Visitation Center
- xxvii. WIC

2. Additional Responsibilities of SAFEPLAN Advocates

- i. Receive regular supervision from the direct service supervisor regarding specific cases, day-to-day activities, performance evaluations, or case related guidance and overall quality of work issues;
- ii. Receive direction from host agency supervisor regarding attendance, vacation requests and coverage and employee benefits;
- iii. Attend regularly scheduled meetings with MOVA to discuss systemic advocacy issues and to receive continuing education training;
- iv. Adhere to SAFEPLAN memorandum of understanding with court personnel, the district attorney's office and other host agency, if applicable;
- v. Complete all SAFEPLAN forms in a timely and organized manner including client files and statistical monthly and activities reports;
- vi. Review the SAFEPLAN Policies and Procedures Manual and perform job-related tasks within the boundaries set forth by the manual;
- vii. Perform other SAFEPLAN-related tasks, duties and assignments as requested by host agency and MOVA;
- viii. An Advocate may be requested by the host agency to carry a pager. Advocates shall only carry a pager during regular working hours; and
- ix. Adhere to strict guidelines and protocols to ensure client confidentiality including, but not limited to, client files and discussing specific cases during supervision.

E. Specific Roles and Responsibilities of SAFEPLAN Advocates

1. Boundaries and Professional Conduct

Advocates are responsible for maintaining professional boundaries when working with clients, including but not limited to:

- i. Maintaining confidentiality;
- ii. Self-assessment regarding personal concerns or difficulties working with a particular client;
- iii. Advocates shall make appropriate referrals to other professionals to provide services beyond the services SAFEPLAN is intended to provide;
- iv. Avoidance of entering a client's home and accepting invitations of hospitality or engaging in other social activities;
- v. Avoidance of entering into friendships or dating relationships with clients (former and current), defendants (former and current), or members of clients and defendants (former and current) families from their client caseload;
- vi. Avoidance of disclosing personal history of abuse or other personal issues to clients;
- vii. Promote empathy, understanding and respect for victims of domestic violence, sexual assault, and stalking and all SAFEPLAN clients;

- viii. Act as role models with skills in systemic advocacy and conflict resolution;
 - ix. Never publicly denounce or discredit other professional individuals or institutions with whom the advocates work; and
 - x. Appear in professional, courtroom appropriate attire.
- Host agencies may impose additional boundaries and professional conduct requirements in addition to those listed above.

2. Personal Safety

- i. Keep identifying information, home phone numbers, home addresses of SAFEPLAN and MOVA staff, other employees, interns and volunteers confidential;
- ii. Assess their own risk in providing services; and
- iii. Seek assistance from supervisors, court personnel and law enforcement as needed in situations where an individual becomes verbally or physically menacing.

3. Supervision

A supervisor of a SAFEPLAN Advocate must meet the statutory requirements of a “direct service supervisor of a domestic violence victims’ program” in M.G.L. c. 233 § 20K. For dual (domestic violence and sexual assault) agencies, they must also provide a supervisor for SAFEPLAN Advocates which meets the statutory requirements of a supervisor under M.G.L. c. 233 § 20J. Advocates who are NOT employed by a dual agency are strongly encouraged to complete the additional sexual assault counselor training in accordance to M.G.L. c. 233 § 20J. Additionally, direct service supervision will be provided by the host agency. Case support and guidance shall be provided in the manner as described in Section 4 of this manual.

4. Confidentiality Policies

Client communication obtained by a SAFEPLAN Advocate, Senior Advocate, volunteer or intern is confidential and privileged under M.G.L. c. 233, § 20K, and M.G.L. c. 233, § 20J (if applicable). SAFEPLAN Advocates must adhere to the confidentiality policies of their respective host agencies. Advocates shall also become familiar with the protections and limitations of M.G.L. c. 233, § 20K, and M.G.L. c. 233, § 20J (if applicable) which apply to both oral and written client communications.

a. Releasing Client Information

Staff may not disclose any information about a client to anyone outside of their host agency without an informed, written, reasonably time-limited consent of the SAFEPLAN client. SAFEPLAN clients must be clearly advised of the possible opportunities and consequences of any release of confidential information.

b. Subpoenas or Civil Suits

Any SAFEPLAN Advocate who is the subject of a subpoena or civil suit related to SAFEPLAN services must inform the host agency immediately. The SAFEPLAN Program Coordinator at MOVA must also be informed of such instances and any cases where a SAFEPLAN client’s records are the

subject of a subpoena or court order. SAFEPLAN Advocates may not act upon a subpoena themselves. The handling of such cases will be determined on a case by case basis in accordance with the policies of SAFEPLAN host agency.

5. Court Security and General Safety

All SAFEPLAN Advocates must adhere to the following court security and general safety policies:

- a. Seek the assistance of a court officer if/when a defendant makes or attempts to make contact with a SAFEPLAN client;
- b. Arrange for SAFEPLAN client to wait in a secure area if they are left alone;
- c. Request escort services for a victim to/from the SAFEPLAN office to/from the courtroom or to/from the parking lot if the need arises;
- d. Do not provide escort services for clients;
- e. Contact law enforcement on behalf of a client, with the client's permission, when the client expresses concerns about returning home or to another location; and
- f. Comply with court security plan.

6. Interaction with the MOVA SAFEPLAN staff

Advocates must meet quarterly, by region, with the MOVA SAFEPLAN staff. These meetings will focus on:

- a. Program-related problems that arise in the court(s);
- b. Program management, interagency collaboration and policy issues; and
- c. Information/training sessions coordinated by MOVA SAFEPLAN staff.

Additionally, Advocates must attend the twice-yearly Continuing Education Training. Attendance will be tracked and advocates will receive a certificate of completion per session, which they can use for professional development.

7. Collateral Activities

Collateral activities may only be completed when arrangements for court coverage have been made. Collateral activities include, but are not limited to:

- a. Trainings, workshops or conferences;
- b. High Risk Team meetings;
- c. Roundtable and Task Force meetings to inform direct service provision; and
- d. Supervision and staff meetings at host agency.

8. Collaboration

Advocates shall work in collaboration with MOVA, host agency executive or program directors, Advocates, volunteers, interns, court personnel, district attorney's victim witness assistance staff and other service providers. Advocates shall not reveal to anyone who is not employed with the host agency the identity of a SAFEPLAN client. If it is necessary to discuss the case with professionals outside of SAFEPLAN or the host agencies, a signed client waiver of confidentiality from the client must be obtained.

F. Prohibited Activities

Certain activities are prohibited for SAFEPLAN Advocates. No Advocate may engage in the following:

1. Legal Advice

Under no circumstances shall a SAFEPLAN Advocate give legal advice to a SAFEPLAN client or to other SAFEPLAN staff on behalf of a client. Advocates shall not at any time negotiate with the attorney of a SAFEPLAN client or a defendant's attorney in a SAFEPLAN case. Advocates must work under the philosophy that while clients are informed of their legal rights and options by an Advocate, but that it is the client who will choose their own course of action. Referrals for legal services are appropriate where necessary.

2. Providing Services to Friends, Acquaintances or Relatives

Advocates must avoid providing SAFEPLAN services to friends, acquaintances or relatives. In circumstances when a friend, acquaintance or relative comes to court to request services the following steps shall be taken:

- a. Explain to the client that Advocates are prohibited from offering services to friends, acquaintances or relatives;
- b. Call a back-up Advocate, host agency staff member, volunteer or intern;
- c. If back-up is not available, ask a victim witness advocate to assist the client;
- d. If a victim witness advocate is not available, ask court personnel for assistance; and
- e. Ensure that other staff provides follow up services, up to and including accompaniment to the 10-day hearing; and

Additionally, Advocates should not provide services in cases where the defendant is a friend, acquaintance or relative. Advocates shall adhere to the same procedures listed above in such cases.

3. Interpretation

It is the responsibility of the courts to provide court-certified interpreters for all court proceedings. Multi-lingual SAFEPLAN Advocates are encouraged to provide advocacy services to SAFEPLAN clients in their primary language if they have the capacity to do so, but shall not provide interpretation services for the purposes of court proceedings. Under no circumstances should a SAFEPLAN Advocate provide interpreting services for defendants. Advocates who are multi-lingual may assist persons known to them provided that they serve only as a translator for the services another Advocate is providing.

4. Mediation

Advocates are prohibited from conducting mediation services, even if requested to do so by judges or court personnel. In situations when an Advocate is requested to provide mediation between client and defendant, the advocate shall follow these steps:

- a. Politely inform the judge that mediation is strictly prohibited by the SAFEPLAN Program Policies and Procedures Manual,

- b. Suggest an alternative plan, such as waiting until the parties have legal representation, and
- c. Ask for time to contact direct service supervisor if necessary.

5. Violations of Client Confidentiality

Advocates may not at any time, under any circumstances willfully violate client confidentiality.

6. Escorting Clients

Advocates may not provide any escort services directly to SAFEPLAN clients outside of the confines of the courthouse. Advocates shall not escort clients to their homes, vehicles or to other public places where security measures are at a minimum or non-existent.

7. Affidavits and Documenting Injuries for Clients

Advocates must avoid writing affidavits on behalf of clients. When safety planning and discussing how to document injuries, SAFEPLAN Advocates are prohibited from taking photos of a victim's injuries. Additionally, it is highly discouraged for a SAFEPLAN Advocate or host agency to maintain possession of photographs or other materials which may be used as evidence in a criminal proceeding.

8. Criminal Case Involvement

At all times, Advocates shall refer SAFEPLAN clients to the victim witness assistance program of the local district attorney's office to address criminal matters. The Advocate should work in collaboration with the district attorney's victim witness advocate to provide 209A and/or 258E advocacy.

9. Long-term Counseling

Advocates, even those with counseling degrees, may not provide counseling or therapy to SAFEPLAN clients. Advocates must refer clients with counseling or therapy needs to specific counseling services at the host agency or other appropriate community agency.

10. Media Involvement

Advocates may not make comments to the media regarding a SAFEPLAN client, a particular SAFEPLAN case, or the SAFEPLAN Program in general without prior approval from MOVA and the host agency. **All media requests (verbal or written) made of an Advocate must be reported to the SAFEPLAN Program Coordinator and the host agency immediately.** Advocates are not authorized to make statements on behalf of the SAFEPLAN Program without approval from MOVA.

11. Legislative Lobbying

Advocates may not lobby any member of the legislature for funding for SAFEPLAN. Advocates, with approval of the host agency, may participate in educational opportunities with public officials and legislators.

V. FISCAL GUIDELINES

MOVA administers funding from four federal and state sources to award grants to non-profit agencies that provide SAFEPLAN court advocacy services in local district and probate and family courts across the Commonwealth of Massachusetts.

SAFEPLAN is supported with funding from the Edward J. Byrne Memorial Grant (Byrne), State Appropriation, the Violence Against Women Act (VAWA) Grant, and Victims of Crime Act (VOCA) Grant.

SAFEPLAN host agencies must submit an application for funding to MOVA through the RFR process defined by MOVA, and according to standard contracting procedures, requirements of the Commonwealth of Massachusetts and the applicable federal guidelines. Host agencies will submit one budget and enter into contracts with MOVA for SAFEPLAN services.

I. Responsibility of MOVA

MOVA, as the funder, must perform the following major responsibilities for the federal awards it makes:

1. Advise subgrantees of requirements imposed on them by federal laws, regulations, and the provisions of contracts and grant agreements, as well as any supplemental requirements imposed by MOVA.
2. Monitor the activities of the subgrantee as necessary to ensure that federal awards are used for the authorized purpose in compliance with federal and state laws, regulations, and the provisions of contracts or grant agreements and those performance goals are achieved.

II. Purpose of Fiscal Policies & Procedures

The Grant Fiscal Policies & Procedures serve as a primary reference manual to assist award recipients in fulfilling their fiduciary responsibility to safeguard grant funds and ensure funds are used for the purposes for which they were awarded. The guide should serve as a day-to-day management tool for all subgrantees receiving grants from MOVA.

For federal grants, MOVA is compliant with Federal OMB-Circular A-133, which sets standards for all organizations expending federal funds. Our goal is to provide a reasonable assurance for the achievement of effectiveness and reliability of financial reporting and compliance with laws and regulations. MOVA abides by 801 CMR 21, the Commonwealth of Massachusetts Procurement Policy, when making grant funding decisions.

For additional information on grants management, please visit the Office of Justice Programs (OJP) Web site as well as the Office of Management and Budget's (OMB) Web site to obtain copies of current circulars.

The Grant Fiscal Policies & Procedures are subject change as new laws are passed or updates are made to Federal and State guidelines.

A. Grants Fiscal Policies

1. Subgranting

SAFEPLAN funds may not be subcontracted to other organizations to provide services. When awarded a contract, it is the expectation that the awarded subgrantee will be the agency responsible for the provision of services. The subgrantee assures that no contract or agreement will be made for execution of project activities or provisions of services. Though not encouraged, an applicant may request that a small portion of the grant be allocated toward consultant time for specialized professional services, such as clinical supervision or interpreter services. See Section II.B. below for further information.

2. Program income and free services

As of July 1, 2001, (FY2002) generating program income on SAFEPLAN funded personnel time became unallowable. All SAFEPLAN funded services are to be provided free of charge, and at no cost to the client. SAFEPLAN does not allow any deviation from this provision.

3. Fraud, waste and abuse

The U.S. Department of Justice (DOJ) awards Federal grant funds to recipients and subgrantees for specific purposes and requires them to use the funds within established guidelines. Subgrantees are encouraged to be aware of common grant fraud schemes and to adopt effective fraud risk-management efforts within your organization, and encourage other recipients of federal awards to do the same in order to prevent and detect fraud as early as possible.

A Federal award agreement is a legally binding contract. Subgrantees are obligated to:

- Use the award as outlined in the agreement.
- Act with integrity when applying for and reporting actual use of funds.
- Properly track the use of funds and maintain adequate supporting documentation.

If the subgrantee fails to comply with the terms and conditions of an award, including civil rights requirements, whether stated in a Federal law, regulation, assurance, application, or notice of award, MOVA and the Victim and Witness Assistance Board may take one or more of the following actions against you:

- Temporarily freeze payments of the award.
- Disallow Federal and matching funds for all or part of the award.
- Wholly or partly suspend or terminate the current award.
- Withhold further awards.
- Take any other remedies legally available.

Typical issues involving failure to properly support the use of award funds include:

- Failure to adequately account for, track, or support transactions such as personnel costs, contracts, indirect cost rates, matching funds, or other sources of revenue.

- Deliberate redirection of the use of funds in a manner different from the purpose outlined in the award agreement.

There are several things that you can do to reduce or even eliminate the risk of fraudulent use of your Federal award:

- Examine your operations and internal controls to identify your fraud vulnerabilities.
- Implement specific fraud prevention strategies including educating others in your organization about the risks. The more people are aware of the issues, the more they can help prevent problems or detect them as early as possible.
- Maintain a well-designed and tested system of internal controls through an Internal Control Plan.
- Ensure all financial or other certifications and progress reports are adequately supported with appropriate documentation and evidence.
- Identify any potential conflict-of-interest issues and disclose them to MOVA for specific guidance and advice.
- Follow a fair and transparent procurement process, especially when using consultants.
- Ensure that the rate of pay is reasonable and justifiable, and that the work product is well-defined and documented through a written agreement or contract.

Reporting Fraud, Waste, Error, and Abuse

Each subgrantee awarded funds made available by MOVA is to promptly report any credible evidence that a principal, employee, agent, contractor, subgrantee, or other person has submitted a false claim under the False Claims Act or has committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. You may report potential fraud, waste, abuse, or misconduct to MOVA by contacting:

Director of Grants Management & Program Resources
1 Ashburton Place, Room 1101
Boston, MA 02108
617-727-5200

Or, you may report to the U.S. Department of Justice, Office of the Inspector General (OIG):

By Mail:
Office of the Inspector General
U.S. Department of Justice Investigations Division
950 Pennsylvania Avenue, NW. Room 4706
Washington, DC 20530

By e-mail or telephone:

Office of the Chief Financial Officer (OCFO) Customer Service Branch (CSB) at ask.ocfo@usdoj.gov Office of the Inspector General (OIG) Fraud Hotline at oig.hotline@usdoj.gov or 1-800-869-4499. Hotline fax: (202) 616-9881

Fraud, Waste, and Abuse prevention will be addressed for subgrantees at scheduled Grant Program Guidelines Trainings.

Additional information is available from the DOJ OIG website at www.usdoj.gov/oig

4. Supplantation

Federal funds must be used to **supplement** and not to **supplant** funds that have been appropriated for the same purpose. Therefore, SAFEPLAN funds cannot be used to supplant - or replace - existing state and local funds already allocated for the same purpose. Similarly, any duplication of funding sources to support a service already funded by SAFEPLAN will be considered supplantation and is not allowed.

Federal grant funds should not be used to purchase items or services that would otherwise be purchased with the sub-grantee's own funds for this project. Expenditure of funds for the acquisition of new equipment or services, when equipment and/or personnel required for the successful execution of projects are already available, or budgeted for within the sub-grantee organization, will be considered supplanting and will be disallowed.

Supplanting will be the subject of application review, as well as pre-award review, post-award monitoring, and audit. If there is a potential presence of supplanting, the applicant or grantee will be required to supply documentation demonstrating that the reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

Example of Supplantation:

Your agency has been awarded state dollars to employ 1(one) Advocate in your program for a fiscal year. In addition, your agency has applied to MOVA for 1 (one) Advocate position. Your agency receives this award. The agency is then responsible for employing 2 (two) Advocate positions for the fiscal year. If the agency only uses SAFEPLAN funds to hire 1 (one) Advocate, and decides to use the state funds to hire a Program Assistant, then it is supplantation.

5. Cost reimbursement

This is a cost reimbursement grant. Reimbursements will be made only for expenses included in the approved program budget, and only after the approved expenses are incurred and expensed.

Subgrantees must request funds based upon reimbursement requirements (See Section III). Funds will not be paid in a lump sum, such as by dividing your grant into a monthly or quarterly billing amount, but rather funds will be disbursed over time as the agency incurs costs, and submits an expenditure report to MOVA with back-up documentation. (Office of Justice Programs Federal Financial Guide)

To comply with the cost reimbursement grant policy, subgrantees must first expend their own money for activities identified in the grant application. Agencies will then be reimbursed by MOVA for actual costs incurred.

6. Open Checkbook Law

In an effort to make state spending information accessible to the public, the Commonwealth's Executive Office of Administration & Finance, the Office of the Treasurer and the Office of the Comptroller have worked jointly on the Open Checkbook Project. This is a proactive approach to civic engagement. It is also a proactive rather than reactive approach to public records requests – beginning November 2011, basic financial information subject to the public records law will be provided to the general public without a formal request. All payments made to MOVA subgrantees will be available to the public. For further information about this project, please visit the Office of the Comptroller's website www.mass.gov/osc

7. Funding source attribution statements

All materials publicizing or resulting from grant activities produced by a SAFEPLAN funded program (e.g. publications, flyers, pamphlets, advertisements, press releases and notifications) must contain an acknowledgment of grant agency assistance and state that the SAFEPLAN-funded services are provided for free. An acknowledgment of support shall be made through use of the following footnote:

“This project was supported by the Massachusetts Office for Victim Assistance through a SAFEPLAN grant from [insert the funding stream name and grant number].”

Contact MOVA for the specified funding information for your host agency.

8. Funding obligation and Sources of SAFEPLAN funding

The Board's obligation to pay under this grant program is contingent upon receipt of SAFEPLAN funds from the U.S. Department of Justice, Executive Office for Public Safety and Security, and other such agencies. The Board may terminate any agreement with a SAFEPLAN funded program if funds become unavailable at any time, as stated in the contract, or for non-compliance with any others terms stated in the contract or contract appendices.

MOVA administers funding from four federal and state sources to award grants to non-profit agencies that provide SAFEPLAN court advocacy services in local district and probate and family courts across the Commonwealth of Massachusetts. SAFEPLAN is supported with funding from the Edward J. Byrne Memorial Grant (Byrne), State Appropriation, the Violence Against Women Act (VAWA) Grant, and Victims of Crime Act (VOCA) Grant.

SAFEPLAN host agencies must submit an application for funding to MOVA through the RFR process defined by MOVA, and according to standard contracting procedures, requirements of the Commonwealth of Massachusetts and the applicable federal guidelines.

B. Budgeting

In an effort to streamline the line items being utilized within the Agency's SAFEPLAN budget, a budget category breakdown is to be utilized to define costs being expended. A listing of the allowable budget categories to be utilized within your grant budget is included in the funding request form. Any other line items not included on this list are subject to prior approval. The unallowable cost list is also located there. These lists provide direction in determining allowable and unallowable costs, and are not exhaustive. Contact MOVA directly for approval of any costs which are not included in these lists.

As described in Section IV, agencies must allocate at least 90% of requested funds to **Direct Service**. SAFEPLAN cannot defray administrative costs within an organization. The primary purpose of SAFEPLAN is to supplement those victim service organizations that are able and willing to absorb the costs of providing SAFEPLAN-funded additional direct services. When other sources of support are not available, subgrantees may request that a small portion, no more than 10% of the total SAFEPLAN budget, be awarded for other allowable costs.

Requests for funding to pay salary and fringe costs for direct services will be given priority over request for funding which include other related administrative expenses. The Board will not consider requests that allocate less than 90% of funds toward direct services, nor will it consider requests for any unrelated administrative or overhead expenses.

1. Personnel

Universal Financial Report (UFR) titles, as well as agency functional titles, must be utilized to define the roll of each program staff on your SAFEPLAN Budget. Please refer to **Appendix A** for the listing of the UFR titles.

a. Salary/Fringe

The employees of subgrantees shall receive a salary and fringe benefits commensurate with their level of responsibility, experience and education, within the established compensation policy of the employing agency, which is to be consistently applied to both Federal and non-Federal activities.

If a program budgets for a specific salary or salary increase, it must pay the SAFEPLAN-contracted employee that amount. Agencies can pay SAFEPLAN funded employees more than the budget amount, but they cannot pay a SAFEPLAN funded employee less than the budgeted amount, unless it is a newly hired staff replacing a vacant position. Agencies can use SAFEPLAN funds to pay employee salary increases only after approval from MOVA and provided they have funds to shift. The requested salary must reflect the actual hours of service supported with those SAFEPLAN funds. It is important to maintain the number of contracted hours as reflected on the approved budget.

Fringe benefits in the form of employer contributions or expenses for payroll taxes (Social Security and Medicare), health/medical care, vision, dental, workmen's compensation, short/long term disability, pension plan costs, advertising costs to recruit

new staff, employee training costs, and the like, are allowable, provided such benefits are granted in accordance with the established grant budget. (OMB Circular A-122)

b. Payroll

All charges made to SAFEPLAN for personnel services by subgrantees, including, but not limited to gross salaries, payroll taxes (both employer and employee), and other fringe benefits, whether treated as direct or indirect costs, shall be based on payroll documents in accordance with the generally accepted practice of the subgrantee and be approved by a responsible official(s) of the subgrantee. Payroll records shall include the time and attendance reports for all individuals reimbursed by SAFEPLAN, whether they are employed full time or part time.

Where salaries and fringe benefits for employees apply to two or more grant programs, cost activities, project periods, and/or overlapping periods, proration of costs to each activity must be made based on time and/or effort reports and billed accordingly.

c. Time Sheets

Each person funded through SAFEPLAN must accurately account for her/his time spent working on the SAFEPLAN program.

- a. Daily time sheets are required. Time sheets must reflect after-the-fact determination of actual activity of each employee, which means that time sheets must clearly indicate the amount of time spent on SAFEPLAN program activities for full or part-time
- b. Time sheets must state the program name "SAFEPLAN" along with the grant name: SAFEPLAN/STATE, SAFEPLAN/VOCA, SAFEPLAN/VAWA, or SAFEPLAN/BYRNE" on them and be signed by all SAFEPLAN staff. Supervisors must also sign them.
- c. Any method used to divide staff time between or among funding sources must have advanced approval from MOVA and comply with federal audit standards and generally accepted accounting procedures.
- d. An electronic system mechanism is an acceptable method of tracking the time of SAFEPLAN; however the system must be able to delineate SAFEPLAN time. If the time tracking mechanism does not allow for SAFEPLAN time to be tracked, then a supplemental time sheet showing SAFEPLAN time is required.

d. Medical/Extended Leave

Expenditures in the form of regular compensation paid to employees during periods of authorized absences from the job, such as vacation leave, sick leave, military leave, and the like, are allowable, provided such costs are absorbed by all organization activities in proportion to the relative amount of time or effort actually devoted to each.

SAFEPLAN funded staff who take medical or extended leave cannot be billed to the grant beyond the accrued vacation and sick time, not to exceed 6 weeks. The subgrantee's time off/leave policy must be submitted to MOVA. An agency policy that provides extended paid medical leave or paid family medical leave beyond 6 weeks cannot receive reimbursement from the grant. Sick or vacation time charged to the grant must be well documented on time sheets and outlined in the agency personnel manual.

If a grant-funded employee resigns from a position prior to the end of the grant year, only accrued vacation and sick time will be reimbursed. Notify MOVA when a staff person is making use of this policy at the time that the Programmatic Change Form is submitted.

2. Office/Programmatic Supplies and Other Costs

a. Office/Programmatic supplies and other costs

These include items contained on the Allowable Cost list (See Funding Request Form) and support agencies in providing direct services. When creating budgets, agencies must abide by the language outlined on the Allowable Cost list and also adhere to the 90%/10% split for Direct and Indirect Costs.

b. Non-profit purchasing program

Eligible non-profit human and social service contractors (**subgrantees**) can purchase commodities and services directly from statewide contractors at the low price negotiated by the Commonwealth. This helps keep down the cost of operating the programs.

- i.. Contractor (subgrantee) Eligibility Criteria - Subgrantees must meet the following criteria to be designated as eligible to participate in the Massachusetts State Purchase Program:
 - i. Certified non-profit status - 501(c)(3) status or equivalent.
 - ii. Currently providing human and social services under contract with one or more state departments.
 - iii. Contractor's annual audit (UFR) filing with OSD must be current and non-deficient
- ii. Documentation of purchasing eligibility from Statewide Contractors: ensure your organization is included on the list of eligible non-profit human and social service contractors.
- iii. A credit check and payment history may be required
- iv. Eligible contractors (subgrantees) **MUST** remit payments for commodities and services purchased from participating statewide contractors according to the terms of the contract in order to maintain eligibility.
- v. Check Comm-PASS directly for all available statewide contracts. Eligible subgrantees may also contact the statewide contractor directly to request product information, catalogs, pricing, purchase requirements or other contract specific terms (such as minimum order amounts).
- vi. Reference the Commonwealth statewide contract number to ensure that the state prices and terms are quoted
- vii. Purchases are free on board destination and free of freight/delivery charges, unless otherwise specified in the statewide contract.

For more information about this program, please visit the Commonwealth's Operations Service Division's website, or contact the Finance Team at MOVA.

3. Travel

a. General travel policy

Costs incurred for travel are necessary to be able to provide ongoing direct services to victims, and must be used in a cost effective manner. Such travel may include expenses incurred for mileage, tolls, and parking. Everyday commuting expenses for an employee to get to and from work are not allowable.

b. Mileage rate policy

Mileage reimbursement will be made at the agency rate, not to exceed the current effective state reimbursement rate. A travel policy indicating this rate must be provided to MOVA. If a current policy exists, it must be adhered to for this grant. If no policy exists, an agency must follow the established travel policy regarding mileage reimbursement for the Commonwealth of Massachusetts. Amendments must be made if the state travel rate changes throughout the course of the grant period.

c. Travel for victims

Reasonable costs for transporting victims to receive services may also be reimbursed. Such costs for clients may include public transportation passes (no monthly passes), cab fare, and private transportation companies.

d. Indirect travel/SAFEPLAN Certification Training

Indirect travel expenses are costs incurred by grant-funded employees who are traveling on official business to attend meetings or trainings related to the service program. SAFEPLAN funds can support costs such as travel, meals, lodging, and registration fees to attend trainings within the state or a similar geographic area; including the SAFEPLAN Certification Training, SAFEPLAN Continuing Education Training, and other MOVA coordinated meetings – such as the twice yearly Senior SAFEPLAN Advocate Meeting and Quarterly Regional Meetings. When needed training is unavailable within the immediate geographical area, subgrantees can request the use of SAFEPLAN funds to support training outside of the geographical area. SAFEPLAN funds cannot be used for travel-related expenses of management or for administrative training for executive directors, board members, and other individuals who do not provide direct services.

e. Out of state travel/ Travel for training

Reimbursement for out-of-state travel expenses by subgrantees requires prior approval from MOVA. Funds should be requested at the time of application, with as much information provided at that time as possible.

a. To be approved for reimbursement, the travel must be:

- i. Necessary to assist in the completion of the program goals and objectives
- ii. Specific to the purpose of the program
- iii. Appropriate to the position and responsibility of the individual or individuals traveling
- iv. Of direct benefit to the grant funded program, with such benefit unavailable through other means

b. To obtain final approval, a request for out of state travel must include:

- i. Purpose of the trip
- ii. Trip dates
- iii. Location
- iv. Staff proposed to attend
- v. Estimated cost (e.g. transportation, rental cars, per diem, registration fee)
- vi. Benefit to the grant project.

c. Ensure that the grant contains the necessary provisions and that there are sufficient funds to cover the cost of the trip.

4. Equipment.

a. Equipment policy

Equipment purchased with SAFEPLAN funds must be used only for the purposes of the SAFEPLAN project. Agencies are expected to maintain internal controls on equipment based on acceptable accounting principals identified in the US DOJ, OJP Financial Guide, effective edition "Equipment Acquired with Juvenile Justice Act (OJJDP) Formula and Victims of Crime Act (OVC) Assistance (Formula) Funds."

All purchases of furniture, equipment, computer software, electrical and computer components with a value exceeding \$1,000 must be reported to MOVA in the form of a copy of the purchase invoice and identified by an equipment ID number.

b. Equipment/Inventory tracking

Subgrantee procedures for maintaining equipment (including replacement), whether acquired in whole or in part with project funds, will, at a minimum, meet the following requirements:

- a. Property records must be maintained which include:
 - i. Description of the property;
 - ii. Serial number or other identification number;
 - iii. Source of the property;
 - iv. Identification of title holder;
 - v. Acquisition date;
 - vi. Cost of the property;
 - vii. Percentage of Federal participation in the cost of the property;
 - viii. Location of the property;
 - ix. Use and condition of the property; and
 - x. Disposition data, including the date of disposal and sale price.
- b. A physical inventory of the property must be taken and the results reconciled with the property records at least once every grant period.
- c. A control system must exist to ensure adequate safeguards to prevent:
 - i. Loss;
 - ii. Damage; or
 - iii. Theft of the property. Any loss, damage, or theft shall be promptly and properly investigated by the recipient and sub recipient, as appropriate.
- d. Adequate maintenance procedures must exist to keep the property in good condition.

- e. For equipment tracking purposes, MOVA-provided stickers are required to be put on equipments which purchased using SAFEPLAN, DDTF or SAFEPLAN fund.

c. Depreciation on SAFEPLAN purchased item(s)

i. Depreciation is a means of allocating the cost of equipment to the time periods benefiting from the use of the assets. Depreciation methods include straight-line (costs are equally spread over each period during the asset's useful life) and accelerated (costs are higher in early periods and lower in later periods of an asset's life). MOVA requires the use of the straight-line method of depreciation.

ii. The Useful Life of an asset is based on Generally Accepted Accounting Principles (GAAP) and should take into consideration such factors as the type of construction, historical usage patterns, technological developments and the replacement policies of the agency. Useful life periods used for grant/contract equipment must be consistent with the useful life periods used for non-grant/contract equipment at the agency. Useful life periods must be 3 years or more except in very unusual circumstances. If you feel a useful life of less than 3 years is justified in a particular situation, please contact MOVA for approval.

Recommended depreciation schedules for common equipment purchases are as follows:

Office Furniture	10 years
Office Equipment; copier, fax	5 years
Telecommunications Equipment	3 years
IT Equipment	3 years
Computer Software	3 years
Safety Equipment	3 years

d. Surplus equipment program

If any agency is in need of equipment; the Commonwealth of Massachusetts offers surplusd items at a discounted rate. For more surplusd items information, please visit the [Operations Service Division](#) website.

C. Reimbursement and Reporting for Expenditures

1. Reimbursement and reporting policy

Program budgets must include only those expenses to be paid by SAFEPLAN funding. SAFEPLAN funds may only be used for approved allowable services as specified in the

program narrative and allowable related direct services delivered during the contract period. Since these funds may only be used for a narrow range of allowable expenses, the approved SAFEPLAN budget rarely covers the entire cost of providing SAFEPLAN services.

Budgets are submitted to MOVA during the application process and reviewed by MOVA staff and the Board. Budgets should not be considered finalized and SAFEPLAN Subgrantees should not commit funds until a contract with MOVA is executed.

This is a cost reimbursement grant, so 1/12th or 1/4th billing is unallowable. Costs must be incurred within the specified grant period and must correlate with your current fiscal year approved budget.

Reimbursement and Reporting Process

Agencies are to submit reimbursement invoices *monthly* or *quarterly*. Agencies must select one method of submitting invoices (monthly or quarterly) and must adhere to this throughout the fiscal year. If there are significant delays in monthly submissions, agency submissions will be reviewed quarterly.

Reimbursement invoices are due on the 10th day of each month or on the next business day if the 10th falls on a holiday or weekend. Consistent with the Commonwealth's policy, payments will be issued no later than **45 days** after the 10th for all error free invoices received by MOVA on or before the 10th. For example if the invoice due date is October 10th, then the payment date would be November 25th.

According to the Commonwealth's bill payment policy, MOVA cannot process payments before this timeframe regardless of financial hardship. Invoices received after the 10th are processed during the next month's cycle. Agencies may check on their reimbursements for the current and past fiscal year by accessing Mass Finance's VendorWeb website.

2. Submission of backup documentation

In accordance to MOVA's Internal Controls, revised as of July 2011, SAFEPLAN reimbursement invoices must include all backup documentation for all expenditures for *SAFEPLAN reimbursement*. A back-up documentation form is also to be completed and submitted with your invoice. The SAFEPLAN billing procedures will be provided to your agency at the start of the grant period. It is strongly encouraged that agencies submit their invoice and backup documentation electronically.

Year end process

The deadline to submit final invoices to MOVA is July 10th at 5:00pm. Unspent funds will be reverted to MOVA. The June bill must be the final bill for the fiscal year. Supplemental billing is not allowed and will not be considered.

D. Budget Amendments

Subgrantees may request a budget amendment to reallocate funds amongst line items to their approved budget. This amendment can also be used to de-obligate a portion of the award amount; however, the original award amount will not be increased by this procedure, unless there has been approval by the VWA Board to do so.

Grant funds may never be shifted in the budget without the prior approval from the subgrantee's grants program contact at MOVA. All budget amendment requests must be put in writing and e-mailed to the grants program contact. This request must include:

- The budget amendment checklist
- A narrative describing the reason for the amendment request and the changes proposed
- A copy of the budget amendment and budget narrative form reflecting changes requested
- A programmatic change form, with required staff information, if staff changes are proposed

Subgrantees must initiate a budget amendment if:

- a grant funded staff resigns and the replacement is hired at a different salary and/or fringe rate.
- There is a need to transfer funds into or out of any cost category, or to move monies into a budget category with a zero dollar amount. For example, if the cost category "Travel" did not exist in the original budget, the adjustment to transfer funds from Equipment to Travel requires a budget amendment.
- there is a need to adjust the approved match.

Upon approval from MOVA, subgrantees can shift up to **10%** per year of the funding of the total program budget, provided that not less than 90% of the program budget remains allocated to direct. The 10% does include shifts between all expense items. Invoice payments can be held if information is not submitted correctly.

It is required that your agency's fiscal and programmatic staff discusses together any staff changes or any other potential reason for a budget amendment prior to submitting this request to MOVA. This communication will help to prevent delays in payments due to inconsistent information. Once the budget amendment is finalized, both a programmatic and fiscal representative are required to sign the Budget Amendment Checklist and the programmatic change form. Any requests submitted without both a programmatic and fiscal signature on the required forms will not be reviewed.

E. Accounting and Independent Audits

1. Accounting Policy (GAAP)

All subgrantees must maintain adequate accounting and control procedures to ensure that SAFEPLAN funds are not used to reimburse expenses funded by or charged to other

funding sources including other state sources. Any duplication of funding sources to support a service already funded by SAFEPLAN will be considered supplantation and is not allowed. All allocation methods used to determine SAFEPLAN reimbursement or matching contribution expenditures must be in compliance with accounting procedures specified in OMB Circular A-122 (for non-profit agencies) or A-87 (for local government agencies). Agencies that use allocation methods to submit their reimbursement request and are unsure if their procedures meet federal standards must contact MOVA.

All subgrantees must comply with Generally Accepted Accounting Procedures and applicable state and federal laws, rules and regulations. If you or your auditor has questions regarding applicable accounting procedures, please contact MOVA.

2. Accounting Records and Financial Management System

All subgrantees must keep appropriate programmatic and financial records that fully disclose the amount and disposition of SAFEPLAN funds received. This includes financial documentation for disbursements, timesheets specifying time devoted to SAFEPLAN allowable victim services, client files; records documenting the portion of the project funded by other sources, and other records which would facilitate an effective audit. All accounting records must be made available upon request to MOVA staff, federal Office for Justice Program staff, or their agents.

As a subgrantee, you must have a financial management system in place that is able to record and report on the receipt, obligation, and expenditure of grant funds. This also includes the accounting of receipts and expenditures, cash management, maintenance of adequate financial records, and refunding of expenditures disallowed by audits.

3. Uniform Financial Report (UFR)

Subgrantees must file a properly prepared Uniform Financial Statements and Independent Auditor's Report (UFR) or a UFR cover page and Exceptions/Exemption documentation, or an alternate report approved by the Operational Services Division (OSD), and completed UFR templates. An electronic version of the UFR must be filed via the UFR eFiling application at the following internet address: www.mass.gov/ufr. UFR's forwarded to OSD on paper will not be accepted for filing purposes and are considered improperly prepared reports.

The UFR consists of audited basic financial statements, independent auditor's reports, corrective action plans (if applicable), unaudited supplemental information (schedules, forms, and letters) and management and board of directors' certifications that are explained in the overview and page-by-page instructions of this documents. MOVA will be confirming the UFR submissions of all subgrantees.

4. Independent Audit Procedures/OMB Circular

Any subgrantee, including non-profits and non-teaching hospitals, that expend a *total* of \$500,000 or more from *all* federal funding sources including pass through sub awards in the organization fiscal year, must complete an independent audit in accordance with OMB Circular A-133 or A-128, as applicable. These audits are due to MOVA no later

than 9 months after the end of the subgrantee's fiscal year. Subgrantees that expend less than \$500,000 a year in Federal awards are exempt from Federal Audit requirements during that year. All agencies that are subject to an OMB Circular A-133 audit will be required to submit an OMB Circular A-133 Audit Certification Letter.

Audit costs for audits not required or performed in accordance with OMB Circular A-133 are unallowable. If the SAFEPLAN recipient did not expend \$500,000 (\$300,000 for fiscal year ending 2003 and prior) or more in Federal Funds in its fiscal year, but contracted with a certified public accountant to perform an audit, these costs may not be charged to the grant.

Audit costs, if allowable by your award, must be prorated and charged to the grant based on the ratio of all Federal grants being audited.

F. Subgrantee Monitoring of Fiscal Records

The purpose of subgrantee monitoring is to provide reasonable assurance that federal program funds are being spent in accordance with the laws, regulations, and the provisions of the grant and that the required performance goals are being achieved. Additionally, subgrantee monitoring procedures are developed, implemented, and performed to ensure that the subgrantee obtains the required audits, and that audit findings identified in the subgrantee audit reports are timely and effectively resolved and corrected.

MOVA uses the following mechanisms to monitor subgrantee activities throughout year:

- Reviews monthly/quarterly financial and performance reports submitted by subgrantee
- Tracks timely submittals of invoices
- Performs on-site site visits to examine fiscal and programmatic records, internal control plans, and to observe operations
- Provides technical assistance as needed to assist subgrantees' with grant requirements

MOVA conducts an on-site site visit of all subgrantees at least once during a grant cycle.

VI. Appendix:

A. Massachusetts General Law c. 209A

CHAPTER 209A. ABUSE PREVENTION

Chapter 209A: Section 1 Definitions

Section 1. As used in this chapter the following words shall have the following meanings:

"Abuse", the occurrence of one or more of the following acts between family or household members:

attempting to cause or causing physical harm;

placing another in fear of imminent serious physical harm;

causing another to engage involuntarily in sexual relations by force, threat or duress.

""Court", the superior, probate and family, district or Boston municipal court departments of the trial court, except when the petitioner is in a dating relationship when ""Court" shall mean district, probate, or Boston municipal courts.

""Family or household members", persons who:

are or were married to one another;

are or were residing together in the same household;

are or were related by blood or marriage;

having a child in common regardless of whether they have ever married or lived together;

or are or have been in a substantive dating or engagement relationship, which shall be adjudged by district, probate or Boston municipal courts consideration of the following factors:

(1) the length of time of the relationship; (2) the type of relationship; (3) the frequency of interaction between the parties; and (4) if the relationship has been terminated by either person, the length of time elapsed since the termination of the relationship.

"Law officer", any officer authorized to serve criminal process.

"Protection order issued by another jurisdiction", any injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico,

or the District of Columbia, or tribal court that is issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

"Vacate order", court order to leave and remain away from a premise and surrendering forthwith any keys to said premises to the plaintiff. The defendant shall not damage any of the plaintiff's belongings or those of any other occupant and shall not shut off or cause to be shut off any utilities or mail delivery to the plaintiff. In the case where the premises designated in the vacate order is a residence, so long as the plaintiff is living at said residence, the defendant shall not interfere in any way with the plaintiff's right to possess such residence, except by order or judgment of a court of competent jurisdiction pursuant to appropriate civil eviction proceedings, a petition to partition real estate, or a proceeding to divide marital property. A vacate order may include in its scope a household, a multiple family dwelling and the plaintiff's workplace. When issuing an order to vacate the plaintiff's workplace, the presiding justice must consider whether the plaintiff and defendant work in the same location or for the same employer.

Chapter 209A: Section 2 Venue

Section 2. Proceedings under this chapter shall be filed, heard and determined in the superior court department or the Boston municipal court department or respective divisions of the probate and family or district court departments having venue over the plaintiff's residence. If the plaintiff has left a residence or household to avoid abuse, such plaintiff shall have the option of commencing an action in the court having venue over such prior residence or household, or in the court having venue over the present residence or household.

Chapter 209A: Section 3 Remedies; period of relief

Section 3. A person suffering from abuse from an adult or minor family or household member may file a complaint in the court requesting protection from such abuse, including, but not limited to, the following orders:

ordering the defendant to refrain from abusing the plaintiff, whether the defendant is an adult or minor;

ordering the defendant to refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is an adult or minor;

ordering the defendant to vacate forthwith and remain away from the household, multiple family dwelling, and workplace. Notwithstanding the provisions of section thirty-four B of chapter two hundred and eight, an order to vacate shall be for a fixed period of time, not to exceed one year, at the expiration of which time the court may extend any such order upon motion of the plaintiff, with notice to the defendant, for such additional time as it deems necessary to protect the plaintiff from abuse;

awarding the plaintiff temporary custody of a minor child; provided, however, that in any case brought in the probate and family court a finding by such court by a preponderance of the evidence that a pattern or serious incident of abuse, as defined in section 31A of

chapter 208, toward a parent or child has occurred shall create a rebuttable presumption that it is not in the best interests of the child to be placed in sole custody, shared legal custody or shared physical custody with the abusive parent. Such presumption may be rebutted by a preponderance of the evidence that such custody award is in the best interests of the child. For the purposes of this section, an "'abusive parent" shall mean a parent who has committed a pattern of abuse or a serious incident of abuse;

For the purposes of this section, the issuance of an order or orders under chapter 209A shall not in and of itself constitute a pattern or serious incident of abuse; nor shall an order or orders entered ex parte under said chapter 209A be admissible to show whether a pattern or serious incident of abuse has in fact occurred; provided, however, that an order or orders entered ex parte under said chapter 209A may be admissible for other purposes as the court may determine, other than showing whether a pattern or serious incident of abuse has in fact occurred; provided further, that the underlying facts upon which an order or orders under said chapter 209A was based may also form the basis for a finding by the probate and family court that a pattern or serious incident of abuse has occurred.

If the court finds that a pattern or serious incident of abuse has occurred and issues a temporary or permanent custody order, the court shall within 90 days enter written findings of fact as to the effects of the abuse on the child, which findings demonstrate that such order is in the furtherance of the child's best interests and provides for the safety and well-being of the child.

If ordering visitation to the abusive parent, the court shall provide for the safety and well-being of the child and the safety of the abused parent. The court may consider:

- ordering an exchange of the child to occur in a protected setting or in the presence of an appropriate third party;

- ordering visitation supervised by an appropriate third party, visitation center or agency;

- ordering the abusive parent to attend and complete, to the satisfaction of the court, a certified batterer's treatment program as a condition of visitation;

- ordering the abusive parent to abstain from possession or consumption of alcohol or controlled substances during the visitation and for 24 hours preceding visitation;

- ordering the abusive parent to pay the costs of supervised visitation;

- prohibiting overnight visitation;

- requiring a bond from the abusive parent for the return and safety of the child;

- ordering an investigation or appointment of a guardian ad litem or attorney for the child;

- imposing any other condition that is deemed necessary to provide for the safety and well-being of the child and the safety of the abused parent.

Nothing in this section shall be construed to affect the right of the parties to a hearing under the rules of domestic relations procedure or to affect the discretion of the probate and family court in the conduct of such hearing.

(e) ordering the defendant to pay temporary support for the plaintiff or any child in the plaintiff's custody or both, when the defendant has a legal obligation to support such a person. In determining the amount to be paid, the court shall apply the standards established in the child support guidelines. Each judgment or order of support which is issued, reviewed or modified pursuant to this chapter shall conform to and shall be enforced in accordance with the provisions of section 12 of chapter 119A;

(f) ordering the defendant to pay the person abused monetary compensation for the losses suffered as a direct result of such abuse. Compensatory losses shall include, but not be limited to, loss of earnings or support, costs for restoring utilities, out-of-pocket losses for injuries sustained, replacement costs for locks or personal property removed or destroyed, medical and moving expenses and reasonable attorney's fees;

(g) ordering information in the case record to be impounded in accordance with court rule;

(h) ordering the defendant to refrain from abusing or contacting the plaintiff's child, or child in plaintiff's care or custody, unless authorized by the court;

the judge may recommend to the defendant that the defendant attend a batterer's intervention program that is certified by the department of public health.

No filing fee shall be charged for the filing of the complaint. Neither the plaintiff nor the plaintiff's attorney shall be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of plaintiff's copies.

Any relief granted by the court shall be for a fixed period of time not to exceed one year. Every order shall on its face state the time and date the order is to expire and shall include the date and time that the matter will again be heard. If the plaintiff appears at the court at the date and time the order is to expire, the court shall determine whether or not to extend the order for any additional time reasonably necessary to protect the plaintiff or to enter a permanent order. When the expiration date stated on the order is on a weekend day or holiday, or a date when the court is closed to business, the order shall not expire until the next date that the court is open to business. The plaintiff may appear on such next court business day at the time designated by the order to request that the order be extended. The court may also extend the order upon motion of the plaintiff, for such additional time as it deems necessary to protect from abuse the plaintiff or any child in the plaintiff's care or custody. The fact that abuse has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, of allowing an order to expire or be vacated, or for refusing to issue a new order.

The court may modify its order at any subsequent time upon motion by either party. When the plaintiff's address is inaccessible to the defendant as provided in section 8 of this chapter and the

defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

No order under this chapter shall in any manner affect title to real property.

No court shall compel parties to mediate any aspect of their case. Although the court may refer the case to the family service office of the probation department or victim/witness advocates for information gathering purposes, the court shall not compel the parties to meet together in such information gathering sessions.

A court shall not deny any complaint filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of abuse.

A court may issue a mutual restraining order or mutual no-contact order pursuant to any abuse prevention action only if the court has made specific written findings of fact. The court shall then provide a detailed order, sufficiently specific to apprise any law officer as to which party has violated the order, if the parties are in or appear to be in violation of the order.

Any action commenced under the provisions of this chapter shall not preclude any other civil or criminal remedies. A party filing a complaint under this chapter shall be required to disclose any prior or pending actions involving the parties for divorce, annulment, paternity, custody or support, guardianship, separate support or legal separation, or abuse prevention.

If there is a prior or pending custody support order from the probate and family court department of the trial court, an order issued in the superior, district or Boston municipal court departments of the trial court pursuant to this chapter may include any relief available pursuant to this chapter except orders for custody or support.

If the parties to a proceeding under this chapter are parties in a subsequent proceeding in the probate and family court department for divorce, annulment, paternity, custody or support, guardianship or separate support, any custody or support order or judgment issued in the subsequent proceeding shall supersede any prior custody or support order under this chapter.

Chapter 209A: Section 3A Nature of proceedings and availability of other criminal proceedings; information required to be given to complainant upon filing

Section 3A. Upon the filing of a complaint under this chapter, a complainant shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder are criminal in nature. Further, a complainant shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such complainant shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section forty-three of chapter two hundred and sixty-five. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

Chapter 209A: Section 3B Order for suspension and surrender of firearms license; surrender of firearms; petition for review; hearing

Section 3B. Upon issuance of a temporary or emergency order under section four or five of this chapter, the court shall, if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, order the immediate suspension and surrender of any license to carry firearms and or firearms identification card which the defendant may hold and order the defendant to surrender all firearms, rifles, shotguns, machine guns and ammunition which he then controls, owns or possesses in accordance with the provisions of this chapter and any license to carry firearms or firearms identification cards which the defendant may hold shall be surrendered to the appropriate law enforcement officials in accordance with the provisions of this chapter and, said law enforcement official may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of section 129D of chapter 140; provided however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other than a licensed dealer. Notice of such suspension and ordered surrender shall be appended to the copy of abuse prevention order served on the defendant pursuant to section seven. Law enforcement officials, upon the service of said orders, shall immediately take possession of all firearms, rifles, shotguns, machine guns, ammunition, any license to carry firearms and any firearms identification cards in the control, ownership, or possession of said defendant. Any violation of such orders shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment.

Any defendant aggrieved by an order of surrender or suspension as described in the first sentence of this section may petition the court which issued such suspension or surrender order for a review of such action and such petition shall be heard no later than ten court business days after the receipt of the notice of the petition by the court. If said license to carry firearms or firearms identification card has been suspended upon the issuance of an order issued pursuant to section four or five, said petition may be heard contemporaneously with the hearing specified in the second sentence of the second paragraph of section four. Upon the filing of an affidavit by the defendant that a firearm, rifle, shotgun, machine gun or ammunition is required in the performance of the defendant's employment, and upon a request for an expedited hearing, the court shall order said hearing within two business days of receipt of such affidavit and request but only on the issue of surrender and suspension pursuant to this section

Chapter 209A: Section 3C Continuation or modification of order for surrender or suspension

Section 3C. Upon the continuation or modification of an order issued pursuant to section 4 or upon petition for review as described in section 3B, the court shall also order or continue to order the immediate suspension and surrender of a defendant's license to carry firearms, including a Class A or Class B license, and firearms identification card and the surrender of all firearms, rifles, shotguns, machine guns or ammunition which such defendant then controls, owns or possesses if the court makes a determination that the return of such license to carry firearms, including a Class A or Class B license, and firearm identification card or firearms, rifles, shotguns, machine guns or ammunition presents a likelihood of abuse to the plaintiff. A suspension and surrender order issued pursuant to this section shall continue so long as the restraining order to which it relates is in effect; and, any law enforcement official to whom such weapon is surrendered may store, transfer or otherwise dispose of any such weapon in accordance with the provisions of section 129D of chapter 140; provided, however, that nothing herein shall authorize the transfer of any weapons surrendered by the defendant to anyone other

than a licensed dealer. Any violation of such order shall be punishable by a fine of not more than \$5,000 or by imprisonment for not more than two and one-half years in a house of correction or by both such fine and imprisonment.

Chapter 209A: Section 4 Temporary orders; notice; hearing

Section 4. Upon the filing of a complaint under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from abuse, including relief as provided in section three. Such relief shall not be contingent upon the filing of a complaint for divorce, separate support, or paternity action.

If the plaintiff demonstrates a substantial likelihood of immediate danger of abuse, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from abuse and shall immediately thereafter notify the defendant that the temporary orders have been issued. The court shall give the defendant an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the plaintiff no later than ten court business days after such orders are entered.

Notice shall be made by the appropriate law enforcement agency as provided in section seven.

If the defendant does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

Chapter 209A: Section 5 Granting of relief when court closed; certification

Section 5. When the court is closed for business or the plaintiff is unable to appear in court because of severe hardship due to the plaintiff's physical condition, any justice of the superior, probate and family, district or Boston municipal court departments may grant relief to the plaintiff as provided under section four if the plaintiff demonstrates a substantial likelihood of immediate danger of abuse. In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief administrative justice and shall deliver a copy of such order on the next court day to the clerk-magistrate of the court having venue and jurisdiction over the matter. If relief has been granted without the filing of a complaint pursuant to this section of this chapter, then the plaintiff shall appear in court on the next available business day to file said complaint. If the plaintiff in such a case is unable to appear in court without severe hardship due to the plaintiff's physical condition, then a representative may appear in court on the plaintiff's behalf and file the requisite complaint with an affidavit setting forth the circumstances preventing the plaintiff from appearing personally. Notice to the plaintiff and defendant and an opportunity for the defendant to be heard shall be given as provided in said section four.

Any order issued under this section and any documentation in support thereof shall be certified on the next court day by the clerk-magistrate or register of the court issuing such order to the court having venue and jurisdiction over the matter. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking the other provisions of this chapter but shall not be deemed necessary for an emergency order issued under this section to take effect.

Chapter 209A: Section 5A Protection order issued by another jurisdiction; enforcement; filing; presumption of validity

Section 5A. Any protection order issued by another jurisdiction, as defined in section one, shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order in the superior court department or the Boston municipal court department or any division of the probate and family or district court departments by filing with the court a certified copy of such order which shall be entered into the statewide domestic violence record keeping system established pursuant to the provisions of section seven of chapter one hundred and eighty-eight of the acts of nineteen hundred and ninety-two and maintained by the office of the commissioner of probation. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the register or clerk of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

A law enforcement officer may presume the validity of, and enforce in accordance with section six, a copy of a protection order issued by another jurisdiction which has been provided to the law enforcement officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law enforcement officers may rely on such statement by the person protected by such order.

Chapter 209A: Section 6 Powers of police

Section 6. Whenever any law officer has reason to believe that a family or household member has been abused or is in danger of being abused, such officer shall use all reasonable means to prevent further abuse. The officer shall take, but not be limited to the following action:

remain on the scene of where said abuse occurred or was in danger of occurring as long as the officer has reason to believe that at least one of the parties involved would be in immediate physical danger without the presence of a law officer. This shall include, but not be limited to remaining in the dwelling for a reasonable period of time;

assist the abused person in obtaining medical treatment necessitated by an assault, which may include driving the victim to the emergency room of the nearest hospital, or arranging for appropriate transportation to a health care facility, notwithstanding any law to the contrary;

assist the abused person in locating and getting to a safe place; including but not limited to a designated meeting place for a shelter or a family member's or friend's residence. The officer shall consider the victim's preference in this regard and what is reasonable under all the circumstances;

give such person immediate and adequate notice of his or her rights. Such notice shall consist of handing said person a copy of the statement which follows below and reading the same to said person. Where said person's native language is not English, the statement shall be then provided in said person's native language whenever possible.

""You have the right to appear at the Superior, Probate and Family, District or Boston Municipal Court, if you reside within the appropriate jurisdiction, and file a complaint requesting any of the following applicable orders: (a) an order restraining your attacker from abusing you; (b) an order directing your attacker to leave your household, building or workplace; (c) an order awarding you custody of a minor child; (d) an order directing your attacker to pay support for you or any minor child in your custody, if the attacker has a legal obligation of support; and (e) an order directing your attacker to pay you for losses suffered as a result of abuse, including medical and moving expenses, loss of earnings or support, costs for restoring utilities and replacing locks, reasonable attorney's fees and other out-of-pocket losses for injuries and property damage sustained.

For an emergency on weekends, holidays, or weeknights the police will refer you to a justice of the superior, probate and family, district, or Boston municipal court departments.

You have the right to go to the appropriate district court or the Boston municipal court and seek a criminal complaint for threats, assault and battery, assault with a deadly weapon, assault with intent to kill or other related offenses.

If you are in need of medical treatment, you have the right to request that an officer present drive you to the nearest hospital or otherwise assist you in obtaining medical treatment.

If you believe that police protection is needed for your physical safety, you have the right to request that the officer present remain at the scene until you and your children can leave or until your safety is otherwise ensured. You may also request that the officer assist you in locating and taking you to a safe place, including but not limited to a designated meeting place for a shelter or a family member's or a friend's residence, or a similar place of safety.

You may request a copy of the police incident report at no cost from the police department."

The officer shall leave a copy of the foregoing statement with such person before leaving the scene or premises.

(5) assist such person by activating the emergency judicial system when the court is closed for business;

(6) inform the victim that the abuser will be eligible for bail and may be promptly released; and

(7) arrest any person a law officer witnesses or has probable cause to believe has violated a temporary or permanent vacate, restraining, or no-contact order or judgment issued pursuant to section eighteen, thirty-four B or thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, section three, three B, three C, four or five of this chapter, or sections fifteen or twenty of chapter two hundred and nine C or similar protection order issued by another jurisdiction. When there are no vacate, restraining, or no-contact orders or judgments in effect, arrest shall be the preferred response whenever an officer witnesses or has probable cause to believe that a person:

has committed a felony;

has committed a misdemeanor involving abuse as defined in section one of this chapter;

has committed an assault and battery in violation of section thirteen A of chapter two hundred and sixty-five.

The safety of the victim and any involved children shall be paramount in any decision to arrest. Any officer arresting both parties must submit a detailed, written report in addition to an incident report, setting forth the grounds for dual arrest.

No law officer investigating an incident of domestic violence shall threaten, suggest, or otherwise indicate the arrest of all parties for the purpose of discouraging requests for law enforcement intervention by any party.

No law officer shall be held liable in any civil action regarding personal injury or injury to property brought by any party to a domestic violence incident for an arrest based on probable cause when such officer acted reasonably and in good faith and in compliance with this chapter and the statewide policy as established by the secretary of public safety.

Whenever any law officer investigates an incident of domestic violence, the officer shall immediately file a written incident report in accordance with the standards of the officer's law enforcement agency and, wherever possible, in the form of the National Incident-Based Reporting System, as defined by the Federal Bureau of Investigation. The latter information may be submitted voluntarily by the local police on a monthly basis to the crime reporting unit of the criminal history systems board.

The victim shall be provided a copy of the full incident report at no cost upon request to the appropriate law enforcement department.

When a judge or other person authorized to take bail bails any person arrested under the provisions of this chapter, he shall make reasonable efforts to inform the victim of such release prior to or at the time of said release.

When any person charged with or arrested for a crime involving abuse under this chapter is released from custody, the court or the emergency response judge shall issue, upon the request of the victim, a written no-contact order prohibiting the person charged or arrested from having any contact with the victim and shall use all reasonable means to notify the victim immediately of release from custody. The victim shall be given at no cost a certified copy of the no-contact order.

Chapter 209A: Section 7 Abuse prevention orders; domestic violence record search; service of order; enforcement; violations

Section 7. When considering a complaint filed under this chapter, a judge shall cause a search to be made of the records contained within the statewide domestic violence record keeping system maintained by the office of the commissioner of probation and shall review the resulting data to

determine whether the named defendant has a civil or criminal record involving domestic or other violence. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances where an outstanding warrant exists, a judge shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances where such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders under sections eighteen, thirty-four B, and thirty-four C of chapter two hundred and eight, section thirty-two of chapter two hundred and nine, sections three, four and five of this chapter, or sections fifteen and twenty of chapter two hundred and nine C, the defendant to vacate, refrain from abusing the plaintiff or to have no contact with the plaintiff or the plaintiff's minor child, the register or clerk-magistrate shall transmit two certified copies of each such order and one copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve one copy of each order upon the defendant, together with a copy of the complaint, order and summons and notice of any suspension or surrender ordered pursuant to section three B of this chapter. The law enforcement agency shall promptly make its return of service to the court.

Law enforcement officers shall use every reasonable means to enforce such abuse prevention orders. Law enforcement agencies shall establish procedures adequate to insure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each abuse prevention order issued shall contain the following statement: VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

[Fifth paragraph effective until July 1, 2003. For text effective July 1, 2003, see below.]

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. For any violation of such order, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention. The court shall not order substance abuse or anger management treatment or any other form of treatment as a substitute for certified batterer's intervention. If a defendant ordered to undergo treatment has received a suspended sentence, the original sentence shall be reimposed if the defendant fails to participate in said program as required by the terms of his probation. If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department

of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence.

[Fifth paragraph as amended by 2003, 26, Sec. 448 effective July 1, 2003. See 2003, 26, Sec. 715. For text effective until July 1, 2003, see above.]

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two and one-half years in a house of correction, or by both such fine and imprisonment. In addition to, but not in lieu of, the forgoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a crime under this statute to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, the court shall order the defendant to complete a certified batterer's intervention program unless, upon good cause shown, the court issues specific written findings describing the reasons that batterer's intervention should not be ordered or unless the batterer's intervention program determines that the defendant is not suitable for intervention. The court shall not order substance abuse or anger management treatment or any other form of treatment as a substitute for certified batterer's intervention. If a defendant ordered to undergo treatment has received a suspended sentence, the original sentence shall be reimposed if the defendant fails to participate in said program as required by the terms of his probation. If the court determines that the violation was in retaliation for the defendant being reported by the plaintiff to the department of revenue for failure to pay child support payments or for the establishment of paternity, the defendant shall be punished by a fine of not less than one thousand dollars and not more than ten thousand dollars and by imprisonment for not less than sixty days; provided, however, that the sentence shall not be suspended, nor shall any such person be eligible for probation, parole, or furlough or receive any deduction from his sentence for good conduct until he shall have served sixty days of such sentence.

When a defendant has been ordered to participate in a treatment program pursuant to this section, the defendant shall be required to regularly attend a certified or provisionally certified batterer's treatment program. To the extent permitted by professional requirements of confidentiality, said program shall communicate with local battered women's programs for the purpose of protecting the victim's safety. Additionally, it shall specify the defendant's attendance requirements and keep the probation department informed of whether the defendant is in compliance.

In addition to, but not in lieu of, such orders for treatment, if the defendant has a substance abuse problem, the court may order appropriate treatment for such problem. All ordered treatment shall last until the end of the probationary period or until the treatment program decides to discharge the defendant, whichever comes first. When the defendant is not in compliance with the terms of probation, the court shall hold a revocation of probation hearing. To the extent possible, the defendant shall be responsible for paying all costs for court ordered treatment.

In each instance where there is a violation of an abuse prevention order or a protection order issued by another jurisdiction, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, cost for shelter or emergency housing, loss of earnings or support, out-of-pocket losses for injuries sustained or property damaged, medical expenses, moving expenses, cost for obtaining an unlisted telephone number, and reasonable attorney's fees.

Any such violation may be enforced in the superior, the district or Boston municipal court departments. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The superior, probate and family, district and Boston municipal court departments may each enforce by civil contempt procedure a violation of its own court order.

The provisions of section eight of chapter one hundred and thirty-six shall not apply to any order, complaint or summons issued pursuant to this section.

Chapter 209A: Section 8 Confidentiality of records

Section 8. The records of cases arising out of an action brought under the provisions of this chapter where the plaintiff or defendant is a minor shall be withheld from public inspection except by order of the court; provided, that such records shall be open, at all reasonable times, to the inspection of the minor, said minor's parent, guardian, attorney, and to the plaintiff and the plaintiff's attorney, or any of them.

The plaintiff's residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a plaintiff under the provisions of this chapter, shall be confidential and withheld from public inspection, except by order of the court, except that the plaintiff's residential address and workplace address shall appear on the court order and accessible to the defendant and the defendant's attorney unless the plaintiff specifically requests that this information be withheld from the order. All confidential portions of the records shall be accessible at all reasonable times to the plaintiff and plaintiff's attorney, to others specifically authorized by the plaintiff to obtain such information, and to prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, domestic violence victim's counselors as defined in section 20K of chapter 233, sexual assault counselors as defined in section 20J of chapter 233, and law enforcement officers, if such access is necessary in the performance of their duties. The provisions of this paragraph shall apply to any protection order issued by another jurisdiction, as defined in section 1, that is filed with a court of the commonwealth pursuant to section 5A. Such confidential portions of the court records shall not be deemed to be public records under the provisions of clause twenty-sixth of section 7 of chapter 4.

Chapter 209A: Section 9 Form of complaint; promulgation

Section 9. The administrative justices of the superior court, probate and family court, district court, and the Boston municipal court departments shall jointly promulgate a form of complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint *pro se*.

Chapter 209A: Section 10 Assessments against persons referred to certified batterers' treatment program as condition of probation

Section 10. The court shall impose an assessment of three hundred and fifty dollars against any person who has been referred to a certified batterers' treatment program as a condition of probation. Said assessment shall be in addition to the cost of the treatment program. In the discretion of the court, said assessment may be reduced or waived when the court finds that the person is indigent or that payment of the assessment would cause the person, or the dependents of such person, severe financial hardship. Assessments made pursuant to this section shall be in addition to any other fines, assessments, or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit said funds in the General Fund.

B: Massachusetts General Law c. 258E

Chapter 23 of the Acts of 2010

AN ACT RELATIVE TO HARASSMENT PREVENTION ORDERS

SECTION 1. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Abuse”, attempting to cause or causing physical harm to another or placing another in fear of imminent serious physical harm.

“Harassment”, (i) 3 or more acts of willful and malicious conduct aimed at a specific person committed with the intent to cause fear, intimidation, abuse or damage to property and that does in fact cause fear, intimidation, abuse or damage to property; or (ii) an act that: (A) by force, threat or duress causes another to involuntarily engage in sexual relations; or (B) constitutes a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 or 43A of chapter 265 or section 3 of chapter 272.

“Court”, the district or Boston municipal court, the superior court or the juvenile court departments of the trial court.

“Law officer”, any officer authorized to serve criminal process.

“Malicious”, characterized by cruelty, hostility or revenge.

“Protection order issued by another jurisdiction”, an injunction or other order issued by a court of another state, territory or possession of the United States, the Commonwealth of Puerto Rico, or the District of Columbia, or a tribal court that is issued for the purpose of preventing violent or threatening acts, abuse or harassment against, or contact or communication with or physical proximity to another person, including temporary and final orders issued by civil and criminal courts filed by or on behalf of a person seeking protection.

SECTION 2. Proceedings under this chapter shall be filed, heard and determined in the superior court department or the Boston municipal court department or the respective divisions of the juvenile or district court departments having venue over the plaintiff’s residence. The juvenile court shall have jurisdiction over all proceedings under this chapter in which both the plaintiff and the defendant are under the age of 17.

SECTION 3. (a) A person suffering from harassment may file a complaint in the appropriate court requesting protection from such harassment. A person may petition the court under this chapter for an order that the defendant:

- (i) refrain from abusing or harassing the plaintiff, whether the defendant is an adult or minor;
- (ii) refrain from contacting the plaintiff, unless authorized by the court, whether the defendant is

an adult or minor;

(iii) remain away from the plaintiff's household or workplace, whether the defendant is an adult or minor; and

(iv) pay the plaintiff monetary compensation for the losses suffered as a direct result of the harassment; provided, however, that compensatory damages shall include, but shall not be limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement of locks, medical expenses, cost for obtaining an unlisted phone number and reasonable attorney's fees.

(b) The court may order that information in the case record be impounded in accordance with court rule.

(c) No filing fee shall be charged for the filing of the complaint. The plaintiff shall not be charged for certified copies of any orders entered by the court, or any copies of the file reasonably required for future court action or as a result of the loss or destruction of plaintiff's copies.

(d) Any relief granted by the court shall not extend for a period exceeding 1 year. Every order shall, on its face, state the time and date the order is to expire and shall include the date and time that the matter will again be heard. If the plaintiff appears at the court at the date and time the order is to expire, the court shall determine whether or not to extend the order for any additional time reasonably necessary to protect the plaintiff or to enter a permanent order. When the expiration date stated on the order is on a date when the court is closed to business, the order shall not expire until the next date that the court is open to business. The plaintiff may appear on such next court business day at the time designated by the order to request that the order be extended. The court may also extend the order upon motion of the plaintiff, for such additional time as it deems necessary to protect the plaintiff from harassment. The fact that harassment has not occurred during the pendency of an order shall not, in itself, constitute sufficient ground for denying or failing to extend the order, or allowing an order to expire or be vacated or for refusing to issue a new order.

(e) The court may modify its order at any subsequent time upon motion by either party; provided, however, that the non-moving party shall receive sufficient notice and opportunity to be heard on said modification. When the plaintiff's address is inaccessible to the defendant as provided in section 10 and the defendant has filed a motion to modify the court's order, the court shall be responsible for notifying the plaintiff. In no event shall the court disclose any such inaccessible address.

(f) The court shall not deny any complaint filed under this chapter solely because it was not filed within a particular time period after the last alleged incident of harassment.

(g) An action commenced under this chapter shall not preclude any other civil or criminal remedies. A party filing a complaint under this chapter shall be required to disclose any prior or pending actions involving the parties.

SECTION 4. Upon the filing of a complaint under this chapter, a complainant shall be informed that the proceedings hereunder are civil in nature and that violations of orders issued hereunder

are criminal in nature. Further, a complainant shall be given information prepared by the appropriate district attorney's office that other criminal proceedings may be available and such complainant shall be instructed by such district attorney's office relative to the procedures required to initiate criminal proceedings including, but not limited to, a complaint for a violation of section 13B, 13F, 13H, 22, 22A, 23, 24, 24B, 26C, 43 and 43A of chapter 265 or section 3 of chapter 272. Whenever possible, a complainant shall be provided with such information in the complainant's native language.

SECTION 5. Upon the filing of a complaint under this chapter, the court may enter such temporary orders as it deems necessary to protect a plaintiff from harassment, including relief as provided in section 3.

If the plaintiff demonstrates a substantial likelihood of immediate danger of harassment, the court may enter such temporary relief orders without notice as it deems necessary to protect the plaintiff from harassment and shall immediately thereafter notify the defendant that the temporary orders have been issued. The court shall give the defendant an opportunity to be heard on the question of continuing the temporary order and of granting other relief as requested by the plaintiff not later than 10 court business days after such orders are entered.

Notice shall be made by the appropriate law enforcement agency as provided in section 9.

If the defendant does not appear at such subsequent hearing, the temporary orders shall continue in effect without further order of the court.

SECTION 6. When the court is closed for business or the plaintiff is unable to appear in court because of severe hardship due to the plaintiff's physical condition, the court may grant relief to the plaintiff as provided under section 5 if the plaintiff demonstrates a substantial likelihood of immediate danger of harassment. In the discretion of the justice, such relief may be granted and communicated by telephone to an officer or employee of an appropriate law enforcement agency, who shall record such order on a form of order promulgated for such use by the chief justice for administration and management and shall deliver a copy of such order on the next court day to the clerk or clerk-magistrate of the court having venue and jurisdiction over the matter. If relief has been granted without the filing of a complaint pursuant to this section, the plaintiff shall appear in court on the next available business day to file a complaint. If the plaintiff in such a case is unable to appear in court without severe hardship due to the plaintiff's physical condition, a representative may appear in court, on the plaintiff's behalf and file the requisite complaint with an affidavit setting forth the circumstances preventing the plaintiff from appearing personally. Notice to the plaintiff and defendant and an opportunity for the defendant to be heard shall be given as provided in said section 5.

Any order issued under this section and any documentation in support thereof shall be certified on the next court day by the clerk or clerk-magistrate of the court issuing such order to the court having venue and jurisdiction over the matter. Such certification to the court shall have the effect of commencing proceedings under this chapter and invoking the other provisions of this chapter but shall not be deemed necessary for an emergency order issued under this section to take effect.

SECTION 7. Any protection order issued by another jurisdiction shall be given full faith and credit throughout the commonwealth and enforced as if it were issued in the commonwealth for as long as the order is in effect in the issuing jurisdiction.

A person entitled to protection under a protection order issued by another jurisdiction may file such order with the appropriate court by filing with the court a certified copy of such order. Such person shall swear under oath in an affidavit, to the best of such person's knowledge, that such order is presently in effect as written. Upon request by a law enforcement agency, the clerk or clerk-magistrate of such court shall provide a certified copy of the protection order issued by the other jurisdiction.

A law officer may presume the validity of, and enforce in accordance with section 8, a copy of a protection order issued by another jurisdiction which has been provided to the law officer by any source; provided, however, that the officer is also provided with a statement by the person protected by the order that such order remains in effect. Law officers may rely on such statement by the person protected by such order.

SECTION 8. Whenever a law officer has reason to believe that a person has been abused or harassed or is in danger of being abused or harassed, such officer shall use all reasonable means to prevent further abuse or harassment. Law officers shall make every effort to do the following as part of the emergency response:

- (i) assess the immediate physical danger to the victim and provide assistance reasonably intended to mitigate the safety risk;
- (ii) if there is observable injury to the victim or if the victim is complaining of injury, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iii) if a sexual assault has occurred, notify the victim that there are time-sensitive medical or forensic options that may be available, encourage the victim to seek medical attention and arrange for medical assistance or request an ambulance for transport to a hospital;
- (iv) provide the victim with referrals to local resources that may assist the victim in locating and getting to a safe place; and
- (v) provide adequate notice to the victim of his rights including, but not limited to, obtaining a harassment prevention order.

SECTION 9. When considering a complaint filed under this chapter, the court shall order a review of the records contained within the court activity record information system and the statewide domestic violence recordkeeping system, as provided in chapter 188 of the acts of 1992 and maintained by the commissioner of probation, and shall review the resulting data to determine whether the named defendant has a civil or criminal record involving violent crimes or abuse. Upon receipt of information that an outstanding warrant exists against the named defendant, a judge shall order that the appropriate law enforcement officials be notified and shall order that any information regarding the defendant's most recent whereabouts shall be forwarded to such officials. In all instances in which an outstanding warrant exists, the court shall make a finding, based upon all of the circumstances, as to whether an imminent threat of bodily injury exists to the petitioner. In all instances in which such an imminent threat of bodily injury is found to exist, the judge shall notify the appropriate law enforcement officials of such finding and such

officials shall take all necessary actions to execute any such outstanding warrant as soon as is practicable.

Whenever the court orders that the defendant refrain from harassing the plaintiff or have no contact with the plaintiff under section 3, 5 or 6, the clerk or clerk-magistrate shall transmit: (i) to the office of the commissioner of probation information for filing in the court activity record information system or the statewide domestic violence recordkeeping system as provided in said chapter 188 of the acts of 1992 or in a recordkeeping system created by the commissioner of probation to record the issuance of, or violation of, prevention orders issued pursuant to this chapter; and (ii) 2 certified copies of each such order and 1 copy of the complaint and summons forthwith to the appropriate law enforcement agency which, unless otherwise ordered by the court, shall serve 1 copy of each order upon the defendant, together with a copy of the complaint and order and summons. The law enforcement agency shall promptly make its return of service to the court. The commissioner of probation may develop and implement a statewide harassment prevention order recordkeeping system.

Law officers shall use every reasonable means to enforce such harassment prevention orders. Law enforcement agencies shall establish procedures adequate to ensure that an officer on the scene of an alleged violation of such order may be informed of the existence and terms of such order. The court shall notify the appropriate law enforcement agency in writing whenever any such order is vacated and shall direct the agency to destroy all record of such vacated order and such agency shall comply with that directive.

Each harassment prevention order issued shall contain the following statement:

VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE.

Any violation of such order or a protection order issued by another jurisdiction shall be punishable by a fine of not more than \$5,000, or by imprisonment for not more than 2½ years in a house of correction, or both. In addition to, but not in lieu of, the foregoing penalties and any other sentence, fee or assessment, including the victim witness assessment in section 8 of chapter 258B, the court shall order persons convicted of a violation of such an order to pay a fine of \$25 that shall be transmitted to the treasurer for deposit into the General Fund. For any violation of such order, the court may order the defendant to complete an appropriate treatment program based on the offense.

In each instance in which there is a violation of a harassment prevention order or a protection order issued by another jurisdiction, the court may order the defendant to pay the plaintiff for all damages including, but not limited to, loss of earnings, out-of-pocket losses for injuries sustained or property damaged, cost of replacement locks, medical expenses, cost for obtaining an unlisted telephone number and reasonable attorney's fees.

Any such violation may be enforced by the court. Criminal remedies provided herein are not exclusive and do not preclude any other available civil or criminal remedies. The court may enforce by civil contempt procedure a violation of its own court order.

Section 8 of chapter 136 shall not apply to any order, complaint or summons issued pursuant to

this section.

SECTION 10. The records of cases arising out of an action brought under this chapter in which the plaintiff or defendant is a minor shall be withheld from public inspection except by order of the court; provided, however, that such records shall be open, at all reasonable times, to the inspection of the minor, such minor's parent, guardian and attorney and to the plaintiff and the plaintiff's attorney.

The plaintiff's residential address, residential telephone number and workplace name, address and telephone number, contained within the court records of cases arising out of an action brought by a plaintiff under this chapter, shall be confidential and withheld from public inspection, except by order of the court; provided, however, that the plaintiff's residential address and workplace address shall appear on the court order and be accessible to the defendant and the defendant's attorney unless the plaintiff specifically requests that this information be withheld from the order. All confidential portions of the records shall be accessible at all reasonable times to the plaintiff and plaintiff's attorney, to others specifically authorized by the plaintiff to obtain such information and to prosecutors, victim-witness advocates as defined in section 1 of chapter 258B, sexual assault counselors as defined in section 20J of chapter 233 and law officers, if such access is necessary in the performance of their duties. This paragraph shall apply to any protection order issued by another jurisdiction filed with a court of the commonwealth pursuant to section 7. Such confidential portions of the court records shall not be deemed to be public records under clause Twenty-sixth of section 7 of chapter 4.

SECTION 11. The chief justice for administration and management shall adopt a form of complaint for use under this chapter which shall be in such form and language to permit a plaintiff to prepare and file such complaint pro se.

SECTION 12. The court shall impose an assessment of \$350 against any person who has been referred to a treatment program as a condition of probation. Such assessment shall be in addition to the cost of the treatment program. In the discretion of the court, such assessment may be reduced or waived if the court finds that such person is indigent or that payment of the assessment would cause the person, or the dependents of such person, severe financial hardship. Assessments made pursuant to this section shall be in addition to any other fines, assessments or restitution imposed in any disposition. All funds collected by the court pursuant to this section shall be transmitted monthly to the state treasurer, who shall deposit such funds into the General Fund.

Approved, February 9, 2010

C: Massachusetts General Law c. 233

Chapter 233: Section 20K Domestic violence victims' counselors; confidential communications

Section 20K. As used in this section the following words shall unless the context clearly requires otherwise have the following meanings:--

""Abuse", causing or attempting to cause physical harm; placing another in fear of imminent physical harm; causing another to engage in sexual relations against his will by force, threat of force, or coercion.

""Confidential communication", information transmitted in confidence by and between a victim and a domestic violence victims' counselor by a means which does not disclose the information to a person other than a person present for the benefit of the victim, or to those to whom disclosure of such information is reasonably necessary to the counseling and assisting of such victim. The term includes all information received by the domestic violence victims' counselor which arises out of and in the course of such counseling and assisting, including, but not limited to, reports, records, working papers, or memoranda.

""Domestic violence victims' counselor", a person who is employed or volunteers in a domestic violence victims' program, who has undergone a minimum of twenty-five hours of training and who reports to and is under the direct control and supervision of a direct service supervisor of a domestic violence victims' program, and whose primary purpose is the rendering of advice, counseling or assistance to victims of abuse.

""Domestic violence victims' program", any refuge, shelter, office, safe home, institution or center established for the purpose of offering assistance to victims of abuse through crisis intervention, medical, legal or support counseling.

""Victim", a person who has suffered abuse and who consults a domestic violence victims' counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by such abuse.

A domestic violence victims' counselor shall not disclose such confidential communication without the prior written consent of the victim, except as hereinafter provided. Such confidential communication shall not be subject to discovery in any civil, legislative or administrative proceeding without the prior written consent of the victim to whom such confidential communication relates. In criminal actions such confidential communication shall be subject to discovery and shall be admissible as evidence but only to the extent of information contained therein which is exculpatory in relation to the defendant; provided, however, that the court shall first examine such confidential communication and shall determine whether or not such exculpatory information is therein contained before allowing such discovery or the introduction of such evidence.

Chapter 233: Section 20J Sexual Assault; confidential communications with sexual assault counselor; disclosure; discovery

Section 20J. As used in this section the following words, unless the context clearly requires otherwise, shall have the following meaning:—

“Rape crisis center”, any office, institution or center offering assistance to victims of sexual assault and the families of such victims through crisis intervention, medical and legal counseling.

“Sexual assault counselor”, a person who is employed by or is a volunteer in a rape crisis center, has undergone thirty-five hours of training, who reports to and is under the direct control and supervision of a licensed social worker, nurse, psychiatrist, psychologist or psychotherapist and whose primary purpose is the rendering of advice, counseling or assistance to victims of sexual assault.

“Victim”, a person who has suffered a sexual assault and who consults a sexual assault counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused by such sexual assault.

“Confidential communication”, information transmitted in confidence by and between a victim of sexual assault and a sexual assault counselor by a means which does not disclose the information to a person other than a person present for the benefit of the victim, or to those to whom disclosure of such information is reasonably necessary to the counseling and assisting of such victim. The term includes all information received by the sexual assault counselor which arises out of and in the course of such counseling and assisting, including, but not limited to reports, records, working papers or memoranda.

A sexual assault counselor shall not disclose such confidential communication, without the prior written consent of the victim; provided, however, that nothing in this chapter shall be construed to limit the defendant’s right of cross-examination of such counselor in a civil or criminal proceeding if such counselor testifies with such written consent.

Such confidential communications shall not be subject to discovery and shall be inadmissible in any criminal or civil proceeding without the prior written consent of the victim to whom the report, record, working paper or memorandum relates.

D: Massachusetts General Law c. 258B

CHAPTER 258B. RIGHTS OF VICTIMS AND WITNESSES OF CRIME

Chapter 258B: Section 1 Definitions

Section 1. As used in this chapter, the following words shall have the following meanings, unless the context otherwise requires:--

""Board", the victim and witness assistance board as established in section four.

""Court", a forum established under the General Laws for the adjudication of criminal and delinquency complaints, indictments and civil motor vehicle infractions.

""Crime", an act committed in the commonwealth which would constitute a crime if committed by a competent adult including any act which may result in an adjudication of delinquency.

""Disposition", the sentencing or determination of penalty or punishment to be imposed upon a person convicted of a crime or found delinquent or against whom a finding of sufficient facts for conviction or finding of delinquency is made.

""Family member", a spouse, child, stepchild, sibling, parent, stepparent, dependent, as defined in section one of chapter two hundred and fifty-eight C, or legal guardian of a victim, unless such family member has been charged in relation to the crime against the victim.

""Prosecutor", the attorney general, assistant attorneys general, district attorney, assistant district attorneys, police prosecutors, other attorneys specially appointed to aid in the prosecution of a case, law students approved for practice pursuant to and acting as authorized by the rules of the supreme judicial court, or any other person acting on behalf of the commonwealth, including victim-witness advocates.

""Restitution", money or services which a court orders a defendant to pay or render to a victim as part of the disposition.

"Victim", any natural person who suffers direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of a crime or delinquency offense, as demonstrated by the issuance of a complaint or indictment, the family members of such person if the person is a minor, incompetent or deceased, and, for relevant provisions of this chapter, a person who is the subject of a case reported to a prosecutor pursuant to section eighteen of chapter nineteen A, sections five and nine of chapter nineteen C, and section fifty-one B of chapter one hundred and nineteen, and the family members of such person if the person is a minor, incompetent or deceased.

"Victim-witness advocate", an individual employed by a prosecutor, the board, or other criminal justice agency to provide necessary and essential services in carrying out policies and procedures under this chapter.

"Witness", any person who has been or is expected to be summoned to testify for the prosecution whether or not any action or proceeding has yet been commenced.

Chapter 258B: Section 2 Eligibility of victim for services

Section 2. Prosecutors shall not be precluded from providing, subject to appropriation, services under this chapter to any natural person or family member of such natural person who suffers direct or threatened physical, emotional or financial harm as the result of the commission or attempted commission of a crime or delinquency offense in which complaints or indictments have not been issued.

Chapter 258B: Section 3 Rights afforded victims, witnesses or family members

Section 3. To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible and subject to appropriation and to available resources, with priority for services to be provided to victims of crimes against the person and crimes where physical injury to a person results:

for victims, to be informed by the prosecutor about the victim's rights in the criminal process, including but not limited to the rights provided under this chapter. At the beginning of the criminal justice process, the prosecutor shall provide an explanation to the victim of how a case progresses through the criminal justice system, what the victim's role is in the process, what the system may expect from the victim, why the system requires this, and, if the victim requests, the prosecutor shall periodically apprise the victim of significant developments in the case;

for victims and family members, to be present at all court proceedings related to the offense committed against the victim, unless the victim or family member is to testify and the court determines that the person's testimony would be materially affected by hearing other testimony at trial and orders the person to be excluded from the courtroom during certain other testimony;

for victims and witnesses, to be notified by the prosecutor, in a timely manner, when a court proceeding to which they have been summoned will not go on as scheduled, provided that such changes are known in advance. In order to notify victims and witnesses, a form shall be provided to them by the prosecutor for the purpose of maintaining a current telephone number and address. The victim or witness shall thereafter maintain with the prosecutor a current telephone number and address;

for victims and witnesses, to be provided with information by the prosecutor as to the level of protection available and to receive protection from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

for victims, to be informed by the prosecutor of financial assistance and other social services available to victims, including information relative to applying for such assistance or services;

for victims and witnesses, to a prompt disposition of the case in which they are involved as a victim or a witness;

for victims, to confer with the prosecutor before the commencement of the trial, before any hearing on motions by the defense to obtain psychiatric or other confidential records, and before the filing of a nolle prosequi or other act by the commonwealth terminating the prosecution or before the submission of the commonwealth's proposed sentence recommendation to the court. The prosecutor shall inform the court of the victim's position, if known, regarding the prosecutor's sentence recommendation. The right of the victim to confer with the prosecutor does not include the authority to direct the prosecution of the case;

for victims and witnesses, to be informed of the right to request confidentiality in the criminal justice system. Upon the court's approval of such request, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state in open court, except among themselves, the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses;

for victims, family members and witnesses, to be provided, subject to appropriation and to available resources, by the prosecutor with a secure waiting area or room which is separate from the waiting area of the defendant or the defendant's family, friends, attorneys or witnesses, during court proceedings. The court shall, subject to appropriation and to available resources, designate a waiting area at each courthouse and develop any reasonable safeguards to minimize contact between victims and the defendant, or the defendant's family, friends, attorneys or witnesses;

for victims and witnesses, to be informed by the court and the prosecutor of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

for victims and witnesses, to be provided, where appropriate, with employer and creditor intercession services by the prosecutor to seek employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process, and to seek consideration from creditors if the victim is unable, temporarily, to continue payments;

for victims or witnesses who have received a subpoena to testify, to be free from discharge or penalty or threat of discharge or penalty by his employer by reason of his attendance as a witness at a criminal proceeding. A victim or witness who notifies his employer of his subpoena to appear as a witness prior to his attendance, shall not on account of his absence from employment by reason of such witness service be subject to discharge or penalty by his employer. Any employer or agent of said employer who discharges or disciplines or continues to threaten to discharge or discipline a victim or witness because that victim or witness is subpoenaed to attend court for the purpose of giving testimony may be subject to the sanctions stated in section fourteen A of chapter two hundred and sixty-eight;

for victims and witnesses, to be informed of the right to submit to or decline an interview by defense counsel or anyone acting on the defendant's behalf, except when responding to lawful process, and, if the victim or witness decides to submit to an interview, the right to impose reasonable conditions on the conduct of the interview;

for victims, to confer with the probation officer prior to the filing of the full presentence report. If the victim is not available or declines to confer, the probation officer shall record that information in the report. If the probation officer is not able to confer with the victim or the victim declines to confer, the probation officer shall note in the full presentence report the reason why the probation officer did not make contact with the victim;

for victims, to request that restitution be an element of the final disposition of a case and to obtain assistance from the prosecutor in the documentation of the victim's losses. If restitution is ordered as part of a case disposition, the victim has the right to receive from the probation department a copy of the schedule of restitution payments and the name and telephone number of the probation officer or other official who is responsible for supervising the defendant's payments. If the offender seeks to modify the restitution order, the offender's supervising probation officer shall provide notice to the victim and the victim shall have the right to be heard at any hearing relative to the proposed modification.

for victims, to be heard through an oral and written victim impact statement at sentencing or the disposition of the case against the defendant about the effects of the crime on the victim and as to a recommended sentence, pursuant to section four B of chapter two hundred and seventy-nine, and to be heard at any other time deemed appropriate by the court. The victim also has a right to submit the victim impact statement to the parole board for inclusion in its records regarding the perpetrator of the crime;

for victims, to be informed by the prosecutor of the final disposition of the case, including, where applicable, an explanation of the type of sentence imposed by the court and a copy of the court order setting forth the conditions of probation or other supervised or unsupervised release within thirty days of establishing the conditions, with the name and telephone number of the probation officer, if any, assigned to the defendant;

for victims, to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, the prosecutor or law enforcement agencies within ten days of its taking or recovery if it is not needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes;

for victims, to be informed by the parole board of information regarding the defendant's parole eligibility and status in the criminal justice system;

for victims, to be informed in advance by the appropriate custodial authority whenever the defendant receives a temporary, provisional or final release from custody, whenever a defendant is moved from a secure facility to a less-secure facility, and whenever the defendant escapes

from custody. The victim shall be informed by the prosecutor about notification rights and the certification process required to access the criminal offender record information files. Persons requesting such notice must provide the appropriate authority with current information as to their address and telephone number;

for victims, to be informed that the victim may have a right to pursue a civil action for damages relating to the crime, regardless of whether the court has ordered the defendant to make restitution to the victim.

for one family member of a victim of a homicide, which the matter before the court is related, to possess in the courtroom a photograph, that is not of itself of an inflammatory nature, of the deceased victim that is not larger than eight by ten inches; provided, however, that at no time may the photograph be exposed or in anyway displayed in the presence of any member of the jury, or the jury pool from which a jury is to be selected in a particular matter; provided, further, that nothing in this section shall preclude the admission into evidence of a photograph that the court deems relevant and material.

Chapter 258B: Section 4 Victim and witness assistance board

Section 4. There is hereby established a victim and witness assistance board, to consist of five members who shall serve without compensation. Notwithstanding any provision of section six of chapter two hundred and sixty-eight A to the contrary, the board shall consist of the attorney general or his designee who shall be chairman, two district attorneys who shall be appointed by the governor, and two members of the public who shall be appointed by the governor, of whom one shall be a victim. The members of the board first appointed shall serve as follows: of the district attorneys appointed by the governor, one shall serve for three years, and one shall serve for one year, of the members of the public appointed by the governor, one shall serve for three years and one shall serve for two years. The successor of each such member shall serve for a term of three years and until his successor is duly appointed and qualified, except that any person appointed to fill a vacancy shall serve only for the unexpired term. Any member of the board shall be eligible for reappointment.

The board shall by majority vote of its members, appoint an executive director who shall serve, subject to appropriation, at such rate of compensation as the board directs for a term of three years unless removed for cause by a vote of four members of the board. The executive director, subject to appropriation, shall have the power to hire such staff, subject to the approval of the board, as is needed to fulfill the powers and duties of the board. The executive director shall have such other powers and duties as the board may delegate to him.

The provisions of chapter thirty-one shall not apply to the executive director or any employee of the board.

The board shall review program plans, annual reports, and the implementation and operation of programs as described in this chapter. The board shall promulgate rules for the preparation and review of such program plans and annual reports.

In addition to the foregoing, the board shall:

have printed and shall make available to social service agencies, medical facilities, and law enforcement agencies, cards, posters, brochures or other materials explaining the victim and witness rights and services established under this chapter;

assist hospitals, clinics and other medical facilities, whether public or private, in disseminating information giving notice of the rights established under this chapter. This assistance may include providing informational materials including posters suitable to be displayed in emergency and waiting rooms;

assist law enforcement agencies in familiarizing all of their officers and employees with the crime victims' rights as provided under this chapter. This assistance may include supplying informational literature on this subject to be utilized as part of the training curriculum for all trainee officers; and

assist all local law enforcement agencies in establishing procedures whereby expedient notification is given to victims and witnesses, as defined under this chapter, of the rights provided under this chapter. In municipalities which do not have a local law enforcement agency, the board shall establish procedures whereby it, in cooperation with the state police, shall give notice to victims of crimes as provided in this section.

Chapter 258B: Section 5 Programs created and maintained by district attorneys; services
Section 5. Each district attorney shall create and maintain, to the extent reasonably possible and subject to the available resources, a program to afford victims and witnesses of crimes the rights and services described in this chapter. Those services shall include but not be limited to the following:

court appearance notification services, including cancellations of appearances;

informational services relative to the availability and collection of witness fees, victim compensation and restitution;

escort and other transportation services related to the investigation or prosecution of the case, if necessary;

case process notification services;

employer intercession services;

expedited return of property services;

protection services;

family support services including child and other dependent care services;

waiting facilities; and

social service referrals.

Chapter 258B: Section 6 Program plan

Section 6. Each district attorney shall submit annually on January fifteenth to the board, the secretary of administration and finance and the house and senate committees on ways and means, a program plan to be implemented within the district attorney's jurisdiction. The program plan shall include, but not be limited to: a description of the services to be provided to victims and witnesses in each judicial district within the district attorney's jurisdiction; the personnel or agencies responsible for providing individual services and related administrative programs; proposed staffing for the program; proposed education, training and experience requirements for program staff and, where appropriate, the staff of agencies providing individual services and related administrative services; and a proposed budget for implementing the program. The district attorney shall include in the annual program plan a detailed report on the operation of the program, as well as a detailed report of deposits and expenditures of all funds made available to said district attorney for the preceding fiscal year and the current fiscal year, and proposed for the upcoming fiscal year, pursuant to section nine.

Chapter 258B: Section 7 Interagency cooperation

Section 7. The district attorney, local law enforcement agencies, local social service agencies, and court shall cooperate to afford victims and witnesses of crimes, the rights and services described in this chapter

Chapter 258B: Section 8 Assessments imposed by court

Section 8. The court shall impose an assessment of no less than \$90 against any person who has attained the age of seventeen years and who is convicted of a felony or against whom a finding of sufficient facts for a conviction is made on a complaint charging a felony. The court shall impose an assessment of \$50 against any person who has attained the age of seventeen and who is convicted of a misdemeanor or against whom a finding of sufficient facts for a conviction is made on a complaint charging a misdemeanor. The court shall impose an assessment of \$45 against any person who has attained the age of fourteen years and who is adjudicated a delinquent child or against whom a finding of sufficient facts for a finding of delinquency is made. The court, including the clerk-magistrate, or the registrar of motor vehicles shall impose an assessment of \$45 against any violator who fails to pay the scheduled civil assessment for a civil motor vehicle infraction or to request a noncriminal hearing within the twenty day period provided for in subsection (A) of section three of chapter ninety C, except where the person is required by law to exercise the right to pay before a justice. When multiple civil motor vehicle infractions arising from a single incident are charged, the total assessment shall not exceed \$75; provided, however, that the total assessment against a person who has not attained seventeen years shall not exceed thirty dollars. In the discretion of the court or the clerk magistrate in the case of a civil motor vehicle infraction that has not been heard by or brought before a justice, a civil motor vehicle assessment imposed pursuant to this section which would cause the person against whom the assessment is imposed severe financial hardship, may be reduced or waived. An assessment other than for a civil motor vehicle infraction imposed pursuant to this section may be reduced or waived only upon a written finding of fact that such payment would cause the person against whom the assessment is imposed severe financial hardship. Such a finding shall be made independently of a finding of indigency for purposes of appointing counsel. If the

person is sentenced to a correctional facility in the commonwealth and the assessment has not been paid, the court shall note the assessment on the mittimus.

All such assessments made shall be collected by the court or by the registrar, as the case may be, and shall be transmitted monthly to the state treasurer. If the person convicted is sentenced to a correctional facility in the commonwealth, the superintendent or sheriff of the facility shall deduct any part or all of the monies earned or received by any inmate and held by the correctional facility, to satisfy the victim and witness assessment, and shall transmit such monies to the court monthly. The assessment from any conviction or adjudication of delinquency which is subsequently overturned on appeal shall be refunded by the court to the person whose conviction or adjudication of delinquency is overturned. Said court shall deduct such funds from the assessments transmitted to the state treasurer. Assessments pursuant to this section shall be in addition to any other fines or restitution imposed in any disposition.

When a determination of the order of priority for payments required of a defendant must be made by the court or other criminal justice system personnel required to assess and collect such fines, assessments or other payments, the victim and witness assessment mandated by this section shall be the defendant's first obligation.

Chapter 258B: Section 9 Deposit of assessments

Section 9. Any assessment imposed pursuant to section eight shall be deposited in the Victim and Witness Assistance Fund, established by section forty-nine of chapter ten. In addition, the board may also apply for and accept on behalf of the commonwealth any private grants, bequests, gifts or contributions to further aid in financing programs or policies of the division. Such funds shall be received by the state treasurer on behalf of the commonwealth and deposited into said fund; provided, that said board shall submit to the house and senate committees on ways and means, as necessary, a report detailing all such amounts as deposited into said fund. All monies deposited into said fund that are unexpended at the end of the year shall not revert to the General Fund. The proceeds of the fund shall be made available, subject to appropriation, to the district attorney victim and witness programs, to the attorney general and the parole board for programs serving crime victims and witnesses.

Chapter 258B: Section 10 Construction

Section 10. Nothing in this chapter shall be construed as creating an entitlement or a cause of action on behalf of any person against any public employee, public agency, the commonwealth or any agency responsible for the enforcement of rights and provision of services set forth in this chapter.

Chapter 258B: Section 11 Duration of rights and duties

Section 11. The rights and duties established under this chapter shall continue to be enforceable until the final disposition of the charges, including acquittal or dismissal of charges, all post-conviction release proceedings, post-conviction relief proceedings, all appellate proceedings, and the discharge of all criminal proceedings relating to restitution. If a defendant's conviction or adjudication of delinquency is reversed and the case is returned to the trial court for further proceedings, the victim shall have the same rights that applied to the criminal or delinquency proceedings that led to the appeal or other post-conviction relief proceeding.

Chapter 258B: Section 12 Assurance of rights; assistance by criminal justice agencies

Section 12. Law enforcement agencies, prosecutors, judges, probation officers, clerks and corrections officials shall assure that victims of crime are afforded the rights established in this chapter.

Unless specifically stated otherwise, the requirements to provide information to the victim may be satisfied by either written or oral communication with the victim. The person responsible for providing such information shall do so in a timely manner and shall advise the victim of any significant changes in such information.

The board shall assist the prosecutors in providing the rights set forth in this chapter by preparing for distribution to victims written materials explaining the rights and services to which they are entitled.

A victim or family member may request assistance from the board in obtaining the rights provided under this chapter by the court or by any criminal justice agency responsible for implementing such rights. In order to address the victim's concerns, the board may seek assistance from the district attorney governing the jurisdiction in which the crime against the victim is alleged to have been committed or from the attorney general.

A victim or family member may request assistance from the district attorney or the attorney general in obtaining the rights provided under this chapter by the court or by any criminal justice agency responsible for implementing such rights.

Chapter 258B: Section 13 Failure to provide rights, privileges, or notice to victim; no grounds for appeal of or objection to conviction

Section 13. A defendant or person convicted of a criminal or delinquency offense against the victim shall have no standing to object to any failure to comply with this chapter, and the failure to provide a right, privilege or notice to a victim under this chapter shall not be grounds for the defendant or person convicted of a criminal or delinquency offense to seek to have the conviction or sentence set aside.

E: Massachusetts General Law c. 119, 19C, 19A & 112

Chapter 119: Section 51A Injured children; reports

Section 51A. Any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, psychologist, emergency medical technician, dentist, nurse, chiropractor, podiatrist, optometrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker or any person paid to care for or work with a child in any public or private facility, or home or program funded by the commonwealth or licensed pursuant to the provisions of chapter twenty-eight A, which provides day care or residential services to children or which provides the services of child care resource and referral agencies, voucher management agencies, family day care systems and child care food programs, probation officer, clerk/magistrate of the district courts, parole officer, social worker, foster parent, firefighter or policeman, licenser of the office of child care services or any successor agency, school attendance officer, allied mental health and human services professional as licensed pursuant to the provisions of section one hundred and sixty-five of chapter one hundred and twelve, drug and alcoholism counselor, psychiatrist, and clinical social worker, priest, rabbi, clergy member, ordained or licensed minister, leader of any church or religious body, accredited Christian Science practitioner, person performing official duties on behalf of a church or religious body that are recognized as the duties of a priest, rabbi, clergy, ordained or licensed minister, leader of any church or religious body, or accredited Christian Science practitioner, or person employed by a church or religious body to supervise, educate, coach, train or counsel a child on a regular basis, who, in his professional capacity shall have reasonable cause to believe that a child under the age of eighteen years is suffering physical or emotional injury resulting from abuse inflicted upon him which causes harm or substantial risk of harm to the child's health or welfare including sexual abuse, or from neglect, including malnutrition, or who is determined to be physically dependent upon an addictive drug at birth, shall immediately report such condition to the department by oral communication and by making a written report within forty-eight hours after such oral communication; provided, however, that whenever such person so required to report is a member of the staff of a medical or other public or private institution, school or facility, he shall immediately either notify the department or notify the person in charge of such institution, school or facility, or that person's designated agent, whereupon such person in charge or his said agent shall then become responsible to make the report in the manner required by this section. Any such hospital personnel preparing such report, may take or cause to be taken, photographs of the areas of trauma visible on a child who is the subject of such report without the consent of the child's parents or guardians. All such photographs or copies thereof shall be sent to the department together with such report. Any such person so required to make such oral and written reports who fails to do so shall be punished by a fine of not more than one thousand dollars. Any person who knowingly files a report of child abuse that is frivolous shall be punished by a fine of not more than one thousand dollars.

Said reports shall contain the names and addresses of the child and his parents or other person responsible for his care, if known; the child's age; the child's sex; the nature and extent of the child's injuries, abuse, maltreatment, or neglect, including any evidence of prior injuries, abuse, maltreatment, or neglect; the circumstances under which the person required to report first became aware of the child's injuries, abuse, maltreatment or neglect; whatever action, if any, was

taken to treat, shelter, or otherwise assist the child; the name of the person or persons making such report; and any other information which the person reporting believes might be helpful in establishing the cause of the injuries; the identity of the person or persons responsible therefor; and such other information as shall be required by the department.

Any person required to report under this section who has reasonable cause to believe that a child has died as a result of any of the conditions listed in said paragraph shall report said death to the department and to the district attorney for the county in which such death occurred and to the medical examiners as required by section six of chapter thirty-eight. Any such person who fails to make such a report shall be punished by a fine of not more than one thousand dollars.

In addition to those persons required to report pursuant to this section, any other person may make such a report if any such person has reasonable cause to believe that a child is suffering from or has died as a result of such abuse or neglect. No person so required to report shall be liable in any civil or criminal action by reason of such report. No other person making such report shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate or inflict said abuse or cause said neglect. Any person making such report who, in the determination of the department or the district attorney may have perpetrated or inflicted said abuse or cause said neglect, may be liable in a civil or criminal action.

No employer of those persons required to report pursuant to this section shall discharge, or in any manner discriminate or retaliate against, any person who in good faith makes such a report, testifies or is about to testify in any proceeding involving child abuse or neglect. Any such employer who discharges, discriminates or retaliates against such a person shall be liable to such person for treble damages, costs and attorney's fees.

Within sixty days of the receipt of a report by the department from any person required to report, the department shall notify such person, in writing, of its determination of the nature, extent and cause or causes of the injuries to the child, and the social services that the department intends to provide to the child or his family.

Any privilege established by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve or by sections 20A and 20B of chapter two hundred and thirty-three, relating to confidential communications shall not prohibit the filing of a report pursuant to the provisions of this section or the provisions of section twenty-four.

Notwithstanding section 20A of chapter 233, a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner shall report all cases of abuse under this section, but need not report information solely gained in a confession or similarly confidential communication in other religious faiths. Nothing in the general laws shall modify or limit the duty of a priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner to report a reasonable cause that a child is being injured as set forth in this section when the priest, rabbi, clergy member, ordained or licensed minister, leader of a church or religious body or accredited Christian Science practitioner is acting in some other capacity that would otherwise make him a reporter.

CHAPTER 19C. DISABLED PERSONS PROTECTION COMMISSION

Chapter 19C: Section 1 Definitions

Section 1. As used in this chapter, the following words shall, unless the context requires otherwise, have the following meanings:--

""Abuse", an act or omission which results in serious physical or emotional injury to a disabled person; provided, however, that no person shall be considered to be abused for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

""Caretaker", a disabled person's parent, guardian or other person or agency responsible for a disabled person's health or welfare, whether in the same home as the disabled person, a relative's home, a foster home or any other day or residential setting.

""Commission", the disabled persons protection commission established pursuant to section two.

""Disabled person", a person between the ages of eighteen to fifty-nine, inclusive, who is mentally retarded, as defined by section one of chapter one hundred and twenty-three, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs.

""General counsel" or ""counsel", the general counsel of the executive office of health and human services.

""Mandated reporter", any physician, medical intern, hospital personnel engaged in the examination, care or treatment of persons, medical examiner, dentist, psychologist, nurse, chiropractor, podiatrist, osteopath, public or private school teacher, educational administrator, guidance or family counselor, day care worker, probation officer, social worker, foster parent, police officer or person employed by a state agency within the executive office of health and human services as defined by section sixteen of chapter six A, or employed by a private agency providing services to disabled persons who, in his professional capacity shall have reasonable cause to believe that a disabled person is suffering from a reportable condition.

""Recommendations", a statement or statements contained in an investigation report prepared pursuant to this chapter and based upon a conclusion that abuse has occurred which sets forth specific action or actions intended by the investigator to remedy said abuse, protect the particular disabled person or persons who are the subject or subjects of the report from further abuse and which responds to the specific protective needs of said disabled person or persons or group of disabled persons similarly situated.

""Reportable condition", a serious physical or emotional injury resulting from abuse, including un-consented to sexual activity.

""State agency", any agency of the commonwealth that provides services or treatment to disabled persons, including private agencies providing such services or treatment pursuant to a contract or agreement with an agency of the commonwealth.

Chapter 19C: Section 10 Reporters of abuse; liability; privileged communications

Section 10. Except when prevented by the constraints of professional privilege as hereinafter provided, mandated reporters shall notify the commission orally of any reportable condition immediately upon becoming aware of such condition and shall report in writing within forty-eight hours after such oral report.

Mandated reporters who have reasonable cause to believe that a disabled person has died as a result of a reportable condition shall immediately report such death, in writing, to the commission, to the district attorney for the county in which such death occurred and to the medical examiner as required by section six of chapter thirty-eight.

Any person may file report if such person has reasonable cause to believe that a disabled person is suffering from abuse or has died as a result thereof.

No mandated reporter shall be liable in any civil or criminal action by reason of submitting a report. No other person making a report shall be liable in any civil or criminal action by reason of submitting a report if such report was made in good faith; provided, however, that no person who abuses a disabled person shall be exempt from civil or criminal liability by reason of their reporting such abuse.

No privilege established, by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve, by section twenty or twenty B of chapter two hundred and thirty-three, by court decision or by professional code relating to the exclusion of confidential communications and the competency of witnesses may be invoked to prevent a report by a mandated reporter or in any civil action arising out of a report made pursuant to this chapter; provided, however, that a mandated reporter need not report an otherwise reportable condition if the disabled person invokes a privilege, established by law or professional code, to maintain the confidentiality of communications with such mandated reporter.

Any person required by this section to make oral and written reports, who fails to do so, shall be punished by a fine of not more than one thousand dollars.

CHAPTER 19A. DEPARTMENT OF ELDER AFFAIRS

Chapter 19A: Section 14 Definitions applicable to sections 14 to 26

Section 14. For the purposes of sections fourteen to twenty-six, inclusive, the following words and terms shall, unless the context otherwise requires, have the following meaning:

[Definition of "Abuse" effective until July 1, 2004. For text effective July 1, 2004, see below.]

"Abuse", an act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or

relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

[Definition of "Abuse" as amended by 2004, 149, Sec. 36 effective July 1, 2004. See 2004, 149, Sec. 428. For text effective until July 1, 2004, see above.]

"Abuse", an Act or omission which results in serious physical or emotional injury to an elderly person or financial exploitation of an elderly person; or the failure, inability or resistance of an elderly person to provide for him one or more of the necessities essential for physical and emotional well-being without which the elderly person would be unable to safely remain in the community; provided, however, that no person shall be considered to be abused or neglected for the sole reason that such person is being furnished or relies upon treatment in accordance with the tenets and teachings of a church or religious denomination by a duly accredited practitioner thereof.

"Caretaker", the person responsible for the care of an elderly person, which responsibility may arise as the result of a family relationship, or by a voluntary or contractual duty undertaken on behalf of an elderly person, or may arise by a fiduciary duty imposed by law.

"Conservator", a person who is appointed to manage the estate of a person pursuant to chapter two hundred and one.

"Court", the probate and family court.

"Department", the department of elder affairs.

"Elderly person", an individual who is sixty years of age or over.

"Emergency", a situation in which an elderly person is living in conditions which present a substantial risk of death or immediate and serious physical or mental harm.

"Financial exploitation", an act or omission by another person, which causes a substantial monetary or property loss to an elderly person, or causes a substantial monetary or property gain to the other person, which gain would otherwise benefit the elderly person but for the act or omission of such other person; provided, however, that such an act or omission shall not be construed as financial exploitation if the elderly person has knowingly consented to such act or omission unless such consent is a consequence of misrepresentation, undue influence, coercion or threat of force by such other person; and, provided further, that financial exploitation shall not be construed to interfere with or prohibit a bona fide gift by an elderly person or to apply to any act or practice in the conduct of any trade or commerce declared unlawful by section two of chapter ninety-three A.

"Guardian", a person who has qualified as a guardian of an elderly person pursuant to chapter two hundred and one, but shall not include a guardian ad litem.

"Protected person", an elderly person for whom a conservator or guardian has been appointed or other protective order has been made.

"Protective services", services which are necessary to prevent, eliminate or remedy the effects of abuse to an elderly person.

"Protective services agency", a public or nonprofit private agency, corporation, board, or organization designated by the department pursuant to this chapter to furnish protective services to elderly persons.

Chapter 19A: Section 15 Reports of abuse; liability

Any physician, physician assistant, medical intern, dentist, nurse, family counselor, probation officer, social worker, policeman, firefighter, emergency medical technician, licensed psychologist, coroner, registered physical therapist, registered occupational therapist, osteopath, podiatrist, director of a council on aging, outreach worker employed by a council on aging, executive director of a licensed home health agency or executive director of a homemaker service agency or manager of an assisted living residence who has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse, shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency. Any person so required to make such reports who fails to do so shall be punished by a fine of not more than one thousand dollars.

The executive director of a home care corporation, licensed home health agency or homemaker service agency shall establish procedures within such agency to ensure that homemakers, home health aides, case managers or other staff of said agency who have reasonable cause to believe that an elderly person has been abused shall report such case to the executive director of the corporation or agency. The executive director shall immediately make a verbal report of such information or cause a report to be made to the department or its designated agency and shall within forty-eight hours make a written report to the department or its designated agency.

In addition to a person required to report under the provisions of subsection (a) of this section, any other person may make such a report to the department or its designated agency, if any such person has reasonable cause to believe that an elderly person is suffering from or has died as a result of abuse.

No person required to report pursuant to the provisions of subsection (a) shall be liable in any civil or criminal action by reason of such report; provided, however, that such person did not perpetrate, inflict or cause said abuse. No other person making such a report pursuant to the provisions of subsection (b) or (c) shall be liable in any civil or criminal action by reason of such report if it was made in good faith; provided, however, that such person did not perpetrate, inflict or cause said abuse. Any person making a report under subsection (a), (b) or (c) who, in the determination of the department or the district attorney may have perpetrated, inflicted or caused said abuse may be liable in a civil or criminal action by reason of such report. No employer or supervisor may discharge, demote, transfer, reduce pay, benefits or work privileges, prepare a negative work performance evaluation, or take any other action detrimental to an employee or supervisee who files a report in accordance with the provisions of this section by reason of such report.

Reports made pursuant to subsections (a) and (b) shall contain the name, address and approximate age of the elderly person who is the subject of the report, information regarding the nature and extent of the abuse, the name of the person's caretaker, if known, any medical treatment being received or immediately required, if known, any other information the reporter believes to be relevant to the investigation, and the name and address of the reporter and where said reporter may be contacted, if the reporter wishes to provide said information. The department shall publicize the provisions of this section and the process by which reports of abuse shall be made.

Any privilege established by sections one hundred and thirty-five A and one hundred and thirty-five B of chapter one hundred and twelve or section twenty B of chapter two hundred and thirty-three relating to the exclusion of confidential communications shall not prohibit the filing of a report pursuant to the provisions of subsection (a), (b) or (c).

Chapter 112: Section 135A Confidential communications; exceptions

Section 135A: Communications between a social worker licensed pursuant to the provisions of section one hundred and thirty-two or a social worker employed in a state, county or municipal governmental agency, and a client are confidential. During the initial phase of the professional relationship, such social worker shall inform the client of such confidential communications and the limitations thereto as set forth in this section and section one hundred and thirty-five B, in accordance with sound professional practice.

No such social worker, colleague, agent or employee of any social worker, whether professional, clerical, academic or therapeutic, shall disclose any information acquired or revealed in the course of or in connection with the performance of the social worker's professional services, including the fact, circumstances, findings or records of such services, except under the following circumstances:

pursuant to the provisions of this section and section one hundred and thirty-five B or any other law;

upon express, written consent of such client or, in the event of a client incompetent to consent, of a guardian appointed to act in the client's behalf;

upon the need to disclose that information which is necessary to protect the safety of the client or others if

the client presents a clear and present danger to himself and refuses explicitly to voluntarily accept further appropriate treatment. In such circumstances, where the social worker has a reasonable basis to believe that a client can be committed to a hospital pursuant to section twelve of chapter one hundred and twenty-three, the social worker shall take appropriate steps within the legal scope of social work practice, to initiate proceedings for involuntary hospitalization. The social worker may also contact members of the client's family or other individuals if in the social worker's opinion, it would assist in protecting the safety of the client;

the client has communicated to the social worker an explicit threat to kill or inflict serious bodily injury upon a reasonably identified victim or victims and the client has the apparent intent and ability to carry out the threat or has a history of physical violence which is known to the social worker and the social worker has a reasonable basis to believe that there is a clear and present

danger that the client will attempt to kill or inflict serious bodily injury against a reasonably identified victim or victims. In either of such circumstances, any duty owed by a social worker to warn or in any other way protect a potential victim or victims shall be discharged if the social worker takes reasonable precautions. No cause of action shall lie against, nor shall legal liability be imposed against, a social worker for failure to warn or in any other way protect a potential victim or victims, unless the social worker fails to take such reasonable precautions. Nothing in this paragraph shall require a social worker to take any actions which, in the exercise of reasonable professional judgment, would endanger such social worker or increase the danger to a potential victim or victims;

in order to collect amounts owed by the client for professional services rendered by the social worker or his employees; provided, however, that the social worker may disclose only the nature of services provided, the dates of services, the amount due for services and other relevant financial information; and, provided, further, that if the client raises as a defense to said action substantive assertions concerning the competence of the social worker or the quality of the services provided, the social worker may disclose whatever information is necessary to rebut such assertions;

to initiate a proceeding under paragraph C of section twenty-three or section twenty-four of chapter one hundred and nineteen, or section three of chapter two hundred and ten or to give testimony in connection therewith;

[There is no clause (f).]

(g) where the social worker has acquired the information while acting as an elder protective services worker for a designated protective services agency as defined in section fourteen of chapter nineteen A and has acquired the information while conducting an assessment in accordance with section eighteen of said chapter nineteen A;

(h) where the social worker has acquired the information while conducting an investigation pursuant to subsections (b) and (c) of section four or section five of chapter nineteen C; in the case of marital therapy, family therapy or consultation in contemplation of such therapy, with the written consent of each adult patient participant.

The provision of information acquired by a social worker from a client to any insurance company, nonprofit hospital service corporation, medical service corporation or health maintenance organization or to a board established pursuant to section twelve of chapter one hundred and twenty-six B, pertaining to the administration or provision of benefits, including utilization review or peer review, provided for expenses arising from the out-patient diagnosis or treatment or both, of mental or nervous conditions, shall not constitute a waiver or breach of any right to which said client is otherwise entitled under this section.

No provision of this section shall be construed to prevent a nonprofit hospital service or medical service corporation from inspecting and copying, in the ordinary course of determining eligibility for or entitlement to benefits, any and all records relating to diagnosis, treatment or other services provided to any person, including a minor or incompetent, for which coverage, benefit or reimbursement is claimed, so long as the policy or certificate under which the claim is made

provides that such access to such records is permitted. No provision of this section shall be construed to prevent access to any such records in connection with any coordination of benefits, subrogation, workers' compensation, peer review, utilization review or benefit management procedures applied and implemented in good faith.

F: Budget Category Breakdown

PERSONNEL	
Title*	Description
Program Manager	An individual who has overall responsibility for the management, oversight and coordination of a programmatic functional area within or across programs.
Program Director	An individual who has overall responsibility for the daily operation of one or more individual programs.
Direct Care/Program Staff Supervisor	A staff member whose primary responsibility is the supervision of nonprofessional or paraprofessional direct care/program staff in the performance of their programmatic functions or whose duties involve significant responsibility for program operations or logistics. A supervisor in this component may also perform direct client care.
Direct Care/Program Staff III	Staff, other than those described above, requiring a doctoral or Master's degree, specific credentials or licensure, significant experience, or specialized skills, who are responsible for the general daily care of program clients/service recipients or for primary program service delivery.
Direct Care/Program Staff II	Staff, other than those described above, requiring a Bachelor's degree, experience or specific skills who are responsible for the general daily care of program clients/service recipients or for primary program service delivery.
Direct Care/Program Staff I	Staff, other than those defined above, who are responsible for the general daily care of program clients/service recipients or for primary program service. This includes relief employees on payroll.
**Fringe Benefits	Includes federal/state tax, FICA, Medicare, Worker's Compensation, unemployment insurance, health/dental insurance, pension, paid leave, disability insurance

IRA contributions can be deducted from an employee's paycheck however, employer contribution "match" is a **non allowable cost**

*Titles listed are UFR titles. Agencies may determine, and use a "functional title" for a specific position as long as it satisfies at least one of the above categories.

** Payroll Taxes are to be included under the definition of "Fringe" for the purpose of this RFR.

Office/Administrative Costs

Advertising

Outreach Materials
Program Advertising
Program Materials
Recruitment

Communication

Beepers/Pagers
Cell Phone Service

Copier Lease/Maintenance

Court Telephone

Internet Service DSL, Broadband, etc.

Telephone

General Office

Postage
Printing and Reproduction
Program and Office Supplies

Administrative

Agency Administration Expenses
Audit
Malpractice Insurance
Professional Liability Insurance
Rent
Utilities

Other Costs

Local Travel
Mileage Reimbursement
Parking
Training

NON ALLOWABLE COSTS

Administrative related correspondence
Board Meeting foods
Board/Advisory Council business
Board/Advisory Council members
Building liability
Building repairs
Contributions/donations to other than individual participants in the program
Debts, interest, fines or penalties
Deferred compensation match
Direct service work meals
Employee relocation
Entertainment
Exclusive crime prevention activities
Fundraising
Land Acquisition

Lobbying/Administrative Advocacy
Losses on disposition of property/capital assets
Mortgage payments
Personal Property
Severance for direct service staff
Staff meeting snacks
Stipends/honorariums
Vehicle Insurance
Vehicle maintenance/repairs
Victim ambulance costs
Victim relocation expenses

APPENDIX G: Uniform Financial Report TITLES

- *Program Manager* - An individual who has overall responsibility for the management, oversight and coordination of a programmatic functional area within or across programs.
- *Program Director* - An individual who has overall responsibility for the daily operation of one or more individual programs.
- *Assistant Program Director* - An individual who reports directly to the Program Director, acts for the Program Director in his/her absence and functions as an adviser/assistant to the Program Director.
- *Supervising Professional* - A credentialed professional (physician, psychiatrist, social worker, nurse, etc) whose primary responsibility is the supervision of fellow credentialed professionals in the daily performance of their programmatic functions.
- *Clinician* - An individual holding a Master's degree in psychology (including behavioral psychologist) or a closely related field and primarily engaged in providing diagnostic evaluations, psychological counseling/therapy or development and implementation of behavioral treatment plans.
- *Social Worker -LICSW* - An individual registered as a Licensed Independent Clinical Social Worker by the Board of Registration of Social Workers and primarily engaged in providing diagnostic evaluations, psychological counseling/therapy or development
- and implementation of behavioral treatment plans.
- *Social Worker-LCSW*- An individual registered as a Licensed Certified Social Worker by the Board of Registration of Social Workers and providing social work services.
- *Social Worker - LSW*- An individual registered as a Licensed Social Worker by the Board of Registration of Social Workers and providing social work services (including casework/counseling).
- *Licensed Counselor* - An individual with at least a Master's degree in counseling or a related field who is licensed by the appropriate Board of Registration and provides counseling services.
- *Counselor* - An individual who provides therapeutic or instructive counseling to program clients/service recipients.
- *Case Worker/Manager* - Master's - An individual possessing at least a Master's degree in counseling, or a closely related discipline, providing casework/case management services including service eligibility determination, service plan development, service coordination, resource development advocacy, etc.

- *Case Worker/Manager* - An individual, providing casework/case management services including service eligibility determination, service plan development service coordination, resource development advocacy, etc.
- *Direct Care/Program Staff Supervisor* - A staff member whose primary responsibility is the supervision of nonprofessional or paraprofessional direct care/program staff in the performance of their programmatic functions or whose duties involve significant responsibility for program operations or logistics. A supervisor in this component may also perform direct client care.
- *Direct Care/Program Staff III* - Staff, other than those described above, requiring a doctoral or Master's degree, specific credentials or licensure, significant experience, or specialized skills, who are responsible for the general daily care of program clients/service recipients or for primary program service delivery.
- *Direct Care/Program Staff II* - Staff, other than those described above, requiring a Bachelor's degree, experience or specific skills who are responsible for the general daily care of program clients/service recipients or for primary program service delivery.
- *Direct Care/Program Staff I* - Staff, other than those defined above, who are responsible for the general daily care of program clients/service recipients or for primary program service. This includes relief employees on payroll.
- *Program Secretarial, Clerical Staff* - Individuals required to carry on direct program clerical activities such as program or client record keeping.
- *Program Support* - Individuals who carry out direct program activities for client health and safety.
- *Payroll Taxes* - Employer's share of FICA, MUCIA, Worker's Compensation Insurance, FUTA (in the case of for-profit providers) and other payroll taxes paid by the employer on the direct care/program staff listed in the personnel section of the budget.
- *Fringe Benefits* - Life, health and medical insurance, pension and annuity plan contributions, day care, tuition benefits and all other non-salary/wage benefits received by direct care/program staff listed in personnel section of the budget.

*Note: UFR titles are required for all non-profits in the Commonwealth. Please use the appropriate titles as they pertain to program staff. If you wish to specify for example what type of counseling occurs you may list a staff title as "Counselor (Adolescent)." Executive Directors, Attorneys, and any Outreach staff may be listed under "Other".

APPENDIX H: RESOURCES

FEDERAL

Office of Justice Programs Federal Financial Guide

Office of Budget Management/Circulars

STATE

Commonwealth's Procurement Law 801 CMR 21

Uniform Financial Reporting

Commonwealth's Bill Payment Policy

Commonwealth's Equipment Surplus

NON-PROFIT

Non-Profit Accounting Basics